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SPEECHES

IN PARLIAMENT,

OF

THE RIGHT HONOURABLE

WILLIAM WINDHAM;

TO WHICH IS PREFIXED,

SOME ACCOUNT OF HIS LIFE,

BY THOMAS AMYOT, ESQ.

" —— *ut civem, ut senatorem—ut virum denique cùm prudentiâ, et diligentiâ, tum omni virtute excellentem, probo; orationes autem ejus valdè laudo.*" CICERO.

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IN THREE VOLUMES.

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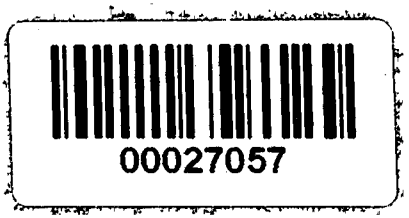

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SPEECHES.

SPEECHES

OF

THE RIGHT HONOURABLE

WILLIAM WINDHAM.

BATTLE OF MAIDA.

December 22, 1806.

MR. Secretary WINDHAM addressed the Chair in the following speech:

SIR,

IN pursuance of my notice on Friday last, I rise to move that the thanks of this house be given to Major-General Sir John Stuart, and to the officers and men who served under him in the glorious battle of Maida. In saying this, I conceive, indeed, I have said all that is strictly necessary, in order to carry with me the unanimous concurrence of the house; and so lively, so proper, and so general a feeling has manifested itself on this subject throughout the country, that I feel assured the motion will be received, not only with unanimity in parliament, but with marked and complete approbation from all Englishmen.

Sir, I may safely venture to pronounce the action to which I am referring to have been one of the most distinguished exploits that has ever graced the annals of this or any other country.

Every man must be so impressed with its character and importance, that it is altogether unnecessary for me to dwell upon its value. If I venture to say any thing upon the subject, it is purely from an impulse to give indulgence to my feelings. The character of the exploit itself, and the advantages which have flowed from it, must present themselves to the sober reflection of every man; and, indeed, this house and the country at large have already, by their admiration and gratitude, pronounced upon the value of the glorious achievement. Amongst the various views in which this victory can be considered, there is not one which does not raise it to a level even with the memorable days of Cressy, of Poitiers, and of Agincourt. In mentioning these scenes of British fame and valour, I cannot omit to remark one peculiar character which belongs to this distinguished service, namely, the accession it has produced to our stock of national glory, the most valuable possession of a great people. Other services may make a greater figure, in relation to their effect in adding to national importance, by acquisitions of strength, resources, or territory, though not of a character to call for the sort of honours and distinctions merited by achievements of this kind. In this respect, the value and importance of the engagement is highly augmented, even in the midst of those splendid and brilliant triumphs to which this country has been so much accustomed.

The glory acquired in this action has not often been equalled, nor ever surpassed, in the records of military renown.

Of what value it is to keep up this high character for military spirit, — how necessary it is to encourage it with every honourable distinction of public approbation and gratitude, — how impossible it is for any great country to preserve its character and independence without the possession of such feelings: — these are topics upon which I feel that it is unnecessary for me to dwell: but if ever there was a period of the world when a strong military feeling was required for the preservation of the greatness and glory of a country, this is that period. We have reached an age when the whole world has become, as it were, one universal camp; when all nations are occupied with military views, military fame, and military services; when these warlike pursuits are substituted in the place of the civil arts of life; when no country can be safe that does not cultivate them, and when any country that rejects them can no longer hope to preserve its independence. We are come to that state of society when, as has been well said, "the soldier is abroad;" — when, in the language of the poet, "man and steel, the soldier and his sword," are the only productions of a country that can be looked to with confidence for its protection and security.

Sir, it is not because we have lost any part of the military spirit or character of the country, that I dwell with such pride on the value of this exploit: — certainly not. This country has never forfeited its just character for military superiority. Yet, from the circumstances

under which the war has been hitherto carried on, and the pre-eminence of our great and glorious naval actions, we have not had the same opportunities of distinguishing our arms by land as by sea. The nations of the continent, too, as if their humiliation found relief in the opinion, seem to have been glad to persuade themselves that our military power, in the largest sense of the word, is wholly confined to naval operations. They seem to think that this country is, I shall not say proportionably weak, but that it is not proportionably strong by land as by sea. Now, it is the immediate tendency and effect of the battle of Maida to meet these opinions, and to correct the error in which they have originated; for it is impossible to contemplate this glorious exploit in all its circumstances, and not give way to a feeling of triumph at the superiority of national valour displayed in it.

Yet it may be said that it was not by naked valour that the skill, the discipline, and the experience of the veteran troops of the enemy were to be overcome. It results from the experience of this action that British disciplined troops possess a decided superiority over those of the enemy. Many persons in this country appear to entertain, and in their writings avow, the opinion, that the troops of the enemy are superior to the British. This opinion is flattering to the enemy; but I trust that it has not gone far in the country, and I am convinced that it has not made any impression upon the people or the army. British soldiers are strangers to any feelings that would prevent them, whenever they come in contact with the enemy upon nearly equal

terms, from making British valour as conspicuous by land as by sea.

Sir, it is a general opinion that all our naval exploits have been achieved by a superiority of experienced discipline and skill; but I cannot subscribe to such a position. Many of those heroic achievements, which have raised the glory of our navy to the highest pitch, have been effected by the naked valour of Britons, without the aid of skill or discipline. Of this description are the exploits performed in boarding ships, in cutting out vessels from under the protection of batteries, and in various other operations performed by British seamen on shore, in every one of which the native valour of our own countrymen is uniformly triumphant. There are no such instances to be found recorded in the military annals of other nations. Yet our enemies have persuaded other countries that they are as superior to us by land as we are to them by sea, and this delusion seems hitherto to have prevailed. But the battle of Maida has broken the charm: — every circumstance of its progress, the conduct of the officers, and the bravery of the men, have established the ascendancy of British valour, and maintained that superiority which in all ages this country has really and justly possessed. Let me but appeal, in proof of this, to the determination of Sir John Stuart to advance with his inferior force to the attack even of the strong position of the enemy, in case that enemy had not advanced to meet him. The issue of the action that ensued proved to the General and to the troops of the enemy, who arrogated to themselves a superiority over all the troops of

the world, that they were not invincible, — that they could not withstand the valour of British troops, when fairly opposed to them in action; and yet, from whatever causes, (certainly not from want of courage in their adversaries,) the events of the late war have contributed to countenance this opinion of their being invincible. They conquered, because they thought they could conquer. "*Possunt quia posse videntur.*" This victory, however, has dissolved the spell. It has been obtained, in the face of Europe, in the view of the nation for whose interest the expedition was undertaken, and has proved to the world, in a manner not to be disguised or concealed, that French troops are inferior to British.

It is here necessary to take some precaution for guarding against any possible misconstruction of my meaning. Nothing can be further from my intention than to represent this exploit as exclusively glorious for the reputation of the British arms. The whole of the campaign in Egypt was equally conspicuous for the lustre it cast upon the military character of the British nation. The achievement now under our consideration condenses into a single action all the same merits that were displayed in every operation of that glorious campaign. It is a lesson to this country, to the enemy, and to the world, of the comparative value of British and of French troops, and it thoroughly confirms the decisive superiority of British valour. There never was an action so perfectly framed, so completely calculated in all its circumstances, to establish this important truth. I cannot more forcibly illustrate this fact than by adopt-

ing the eloquent language of Sir John Stuart: "It seemed," said the gallant General, in his dispatch, "as if the prowess of the two nations was to be brought to trial before the world." Certainly no action under any circumstances could be better calculated for such a trial. If two sets of philosophers had undertaken to make an experiment, by doing away every thing extraneous to their process, they could not have succeeded more accurately. In the first part of the action the two armies advanced against each other with the bayonet; an operation which, though much talked of, very seldom takes place between great bodies of men. Every circumstance, even in the most minute detail, that had happened previously to the shock, concurred to bring the courage and intrepidity of the two rival nations to the trial. The contest was decided, not by any superiority of corporal strength, but by the predominance of personal intrepidity. Both armies advanced firmly to the charge, until within half a yard of each other. In this moment of perilous trial, British resolution and valour held out, and the enemy shrunk back with panic from the terrible contest. It will not be improper for me to state here, that hardly any of our men were wounded by the bayonet.

Sir, I fear I have to apologize to the house for having trespassed so long on their attention: but really the theme is so pleasing that I cannot refrain from dwelling upon it with peculiar satisfaction. The detail of the action exhibits merits of all sorts, equally honourable to the skill of the officers, and to the firm-

ness and valour of the soldiers. Having been led thus far by the natural pleasure which one feels in speaking of so grateful a subject, I shall detain the house no longer than while I can relate to them some circumstances respecting the action which are not generally known.

By the circumstances which I am about to state to you, it will appear that this victory has been more decisive, and the defeat of the enemy more complete, than was at first supposed. Sir John Stuart correctly stated the amount of his own force as under 5,000 men; but when he wrote his dispatch, he had not the means of accurately ascertaining the force of the enemy. He estimated it as approaching to 7,000, but he would have been right in stating it at nearly 8,000 men. This fact has been discovered from returns found upon the persons of some of the officers who fell. The next circumstance I have to mention relates to the amount of the enemy's loss. Sir John Stuart stated the numbers of the killed at 700; but it was afterwards ascertained, by observations made upon the spot, that there were killed in the action not fewer than 1,300 men. Fifteen hundred prisoners were the immediate fruit of the action, and a considerable number more fell into our hands from the consequences of it. So that thus a number nearly equal to the whole British force has been disposed of by this brilliant victory. Another consequence of the exploit has been, to set the Calabrians free from the presence of the enemy, and totally to break up the force of General Regnier in these provinces, amounting to 13,000 men.

It is not necessary, perhaps, to dwell so much on the advantages which have resulted from this battle, but the glory that has been acquired in it, I consider of infinitely greater importance than any of its immediate benefits. This it is which will carry the effect of this brilliant exploit beyond its temporary fame, by placing above the reach of doubt the military renown of the country. He who gives glory to his country gives it that which is far more valuable to it than any acquisition whatever. Glory alone is not to be taken away by time or accident. Ships, territories, possessions, may be wrested from a country, but the mode of acquiring them can never be forgotten, and the glory of the conquest is independent of all accidents. The acquisitions that were the consequences of the glorious days of Cressy and Poitiers have long since passed into other hands, but the glory of those illustrious achievements still adheres to the British name, and is immortal. It is that fine extract, that pure essence which endures to all ages, while the grosser parts, the residuum, may pass away, and be lost in the course of time. On this ground it is, that I trust the victory of Maida will stand as high as any exploit upon the records of our military achievements, and that the glory of General Stuart and his brave army will survive to the latest posterity, unless the country shall at any future time sink into such a state of degradation that the memory of former glory will become a reproach to existing degeneracy. Yet even at a period so degraded as that which I am supposing, the recollection of the victory of Maida would be calculated to

rouse a degenerate race to emulate the glory of their ancestors. The name of General Stuart will justly be ranked amongst the foremost in our military annals.

Sir, I have felt pleasure in dwelling upon the various merits of this brilliant exploit, because it has revived and resuscitated, as it were, that half of our national character which has been called in question, and because it has proved that Britons have the same superiority over the enemy by land that they have by sea. I will conclude by moving,

1st, That the thanks of this house be given to Major-General Sir John Stuart, Knight of the most honourable order of the Bath, for the distinguished ability displayed by him on the 4th of July last, in the brilliant action on the plains of Maida, which terminated in the signal and total defeat of the superior forces of the enemy.

2dly, That the thanks of this house be given to Brigadier-General the Honourable George Lowry Cole, Brigadier-General William Palmer Ackland, and the several other officers, for their distinguished exertions on the 4th of July last, in the brilliant action on the plains of Maida, which terminated in the signal and total defeat of the superior forces of the enemy; and that Major-General Sir John Stuart do signify the same to them.

3dly, That this house doth highly approve of and acknowledge the distinguished valour and discipline displayed by the non-commissioned officers and private soldiers of the forces serving on the 4th of July last,

under the command of Major-General Sir John Stuart, in the brilliant victory obtained on the plains of Maida, and that the same be signified to them by the commanding officers of the several corps, who are desired to thank them for their gallant and exemplary conduct.

Sir John Doyle seconded the above resolutions, which were agreed to nemine contradicente.

List of His Majesty's Ministers, as it stood in April, 1807.

Cabinet Ministers.

Earl Camden	President of the Council.
Lord Eldon	Lord High Chancellor.
Earl of Westmorland	Lord Privy Seal.
Duke of Portland	First Lord of the Treasury. (Prime Minister.)
Lord Mulgrave	First Lord of the Admiralty.
Earl of Chatham	Master-General of the Ordnance.
Earl Bathurst	President of the Board of Trade.
Lord Hawkesbury	Secretary of State for the Home Department.
Rt. Hon. George Canning	Secretary of State for Foreign Affairs.
Lord Castlereagh	Secretary of State for the Department of War and the Colonies.
Rt. Hon. Spencer Perceval	Chancellor and Under-Treasurer of the Exchequer, and also Chancellor of the Duchy of Lancaster.

Not of the Cabinet.

Rt. Hon. R. Saunders Dundas	President of the Board of Controul for the Affairs of India.
Rt. Hon. George Rose	Vice-President of the Board of Trade, and Treasurer of the Navy.
Sir James Pulteney, Bart.	Secretary at War.
Lord Charles Somerset Rt. Hon. Charles Long	Joint Paymasters-General.
Earl of Chichester Earl of Sandwich	Joint Postmasters-General.
William Huskisson Esq. Hon. Henry Wellesley	Secretaries of the Treasury.
Sir William Grant	Master of the Rolls.
Sir Vicary Gibbs	*Attorney-General.*
Sir Thomas Plomer	*Solicitor-General.*

Persons in the Ministry of Ireland.

Duke of Richmond	Lord Lieutenant.
Lord Manners	Lord High Chancellor.
Sir Arthur Wellesley	Chief Secretary.
Rt. Hon. John Foster	Chancellor of the Exchequer.

CAPTURE OF MONTE VIDEO.

April 16, 1807.

LORD CASTLEREAGH (Secretary of State for the War Department) moved, that the thanks of the House be given to Brigadier-General Sir Samuel Auchmuty, for the skill and gallantry displayed by him in taking the important fortress of Monte Video.

MR. WINDHAM said, that after the forcible manner in which the Noble Lord had conveyed the general feeling, he felt it rather a trespass on the house to offer any thing further. He could not pretend to any share in the glory of the brilliant atchievement now under the consideration of the house, merely for his being in the office of secretary of state for the war department when the expedition was fitted out. But having turned his mind particularly to the outset and the operations of this expedition, he felt a natural disposition to say a few words on the occasion. He was sure the Noble Lord opposite did not feel less warmly upon the success of the expedition than if he had himself fitted it out. The Noble Lord would do him the justice to say, that he had felt no less warmly when it had fallen to him to discharge a debt of the same kind on succeeding the Noble Lord in moving the vote of

thanks for the victory of Maida. He agreed with the Noble Lord in his observations on all the details of the achievement now under consideration. In every one of those details there was a particular claim to the gratitude of the country. The achievement, considered altogether, was one of the highest in the highest class of military services. The circumstances that attended it, called for particular notice. The fortress was strong beyond what had been calculated. It was impossible men could be placed in a more trying situation, attacking an almost undiscoverable breach, on which an immense quantity of fire had been brought to bear. These circumstances were of such a nature as to require all the high qualities of the troops which were the subject of the present panegyric. Thus, whether it was considered with respect to the value of the conquest, or the nature of the action by which it was gained, this glorious performance could not be too highly estimated. It was necessary, besides, to observe, that the loss that had been sustained, heavy as it was, had fallen chiefly, not on the whole army, but on that part which was engaged in the storm. It was a loss on 1200 men, not on 4000, and in proportion as the loss was greater, so was the glory. It was a consolation, though a mournful one, to those whose relations had fallen, that their lives were not thrown away, but that they had been the means of adding greatly to the national glory, and of promoting the most important interests of their country. The merit of our soldiers was greatly enhanced by the gallant defence made by their opponents, stimulated as they

were by the influence of their priests, to the most fanatical enthusiasm. At the same time that this powerful resistance enhanced the glory of the conquest, another important effect also would, he trusted, result from it, that the valour displayed by the Spanish troops would inspire their countrymen in Europe with a kindred spirit in resisting the common enemy; an enemy who, although approaching them under the mask of friendship, was more dangerous than we were in open hostility. If a little of this spirit were displayed in Old Spain, it would be attended with consequences at which Europe would have reason to rejoice. He would say no more. What had been achieved, was beyond the power of him, or any body, to increase by words.

The above short speech is here inserted for the sake of recording the prophetick passage at the conclusion of it. It was not till more than a year after this speech was delivered, that the people of Old Spain commenced that resistance to French incroachment which they have since so gallantly and gloriously maintained.

The thanks of the house were unanimously voted to Sir Samuel Auchmuty, Brigadier-General Lumley, and the Officers and Men under their command, and also to Admiral Stirling, the Captains, Officers, Seamen, and Marines, for their co-operation.

PAROCHIAL SCHOOLS.

April 24, 1807.

MR. WHITBREAD moved the order of the day for the recommitment of a Bill for eſtabliſhing a Plan for the Education of the Poor, the object of which was, that in every parish where there was a number of poor who could not afford to pay for the education of their children, there should be a school established for their instruction, the expence of which should be defrayed by the parish.

MR. WINDHAM, after paying some very handsome compliments to the Honourable Mover for his good intentions in the formation of the bill then before the house, observed that this was a subject which most particularly required deliberate consideration. It was impoſſible, of all others, that this subject could be decided *uno flatu*. It was an object that humanity and justice long required; but had the maturity of time now come to such a state of fulness that it was impoſſible for us to wait another session? That the diffuſion of knowledge was proper might be supported by many good arguments; but he confessed that he was himself a sceptic on this point. It was said, look at the state of the savages when compared to ours. A savage among savages was very well, and the difference

was only perceived when he came to be introduced into civilized society. That state of each society was known best by comparing one with another, and that was found to be the best which had the greatest variety of employments for its members. A knowledge of many of the fine arts, and of the mechanic arts, was very useful, but we were not all to be artists or mechanics; how awkward should we be situated if we were a nation of shoemakers, or carpenters, or taylors? If, on the other hand, all men were clerks, what should we do for labourers? This was a false idea; it was only giving the means of knowledge, without being certain that those means would be rightly made use of.

His friend, Dr. Johnson, was of opinion that it was not right to teach reading beyond a certain extent in society. The danger was, that if the teachers of good and the propagators of bad principles, were to be candidates for the controul of mankind, the latter would be likely to be too successful. He could not think it right to say, that every man who possessed intellect should administer to himself, because, if so, a patient who had intellect, and was of course most particularly interested in his own cure, would be the best doctor. The circulations of great truths would be of no advantage to mankind, unless you could increase the stature of their understanding, so as that it could reach those things.

But great stress had been laid on the example of Scotland; he admitted the full force of all the enco-

miums that had been paid to that country; but then it did not follow that he must consequently say, "all this comes of their writing and reading." He might as well say, like the old woman when she saw a man going to be hanged for forgery, "see what comes of your writing and reading." But there were particularities both in habit and appearance by which people of different countries might be distinguished from each other. If he was to see a man in a crowd, for instance, with red hair and high cheek bones, and by his appearance knew that he was a Scotchman, was he to say, this is all owing to their writing and reading in that part of the country? Would it not be more rational to say, that in this, as well as in many other cases, it was difficult for him to trace causes from effects, as it was also to trace effects from any given causes; might he not say, that he did not know whether the prudence, economy, &c. of the Scots was not the cause of their applying themselves more to learning than we did? A more substantial cause was, perhaps, found out by an Honourable Gentleman opposite, who had attributed the economy of the Scots to the want of poor laws throughout the greater part of the country.

But we should consider how far the measure itself was calculated to effect its own object; for instance, let us look to England, and see if learning had not increased rapidly for many years past, and yet, in the same proportion, we find that poverty had increased. The increase of this sort of introduction to knowledge

would only tend to make the people study politics, and lay them open to the arts of designing men; it was impossible that a great quantity of reading in a country could banish poverty entirely out of the nation; we might as well say, that we could remove poverty from among a people by teaching them all to play the fiddle. A good deal, however, might be said to consist in the extent of the population and general habits of the people; and whilst people were found to lose sight of that honourable principle of independence that would not suffer them to rest their hopes of relief on the parish, it was impossible to prevent poverty among them. As long as men would marry, and get children, without ever thinking of what was to become of their offspring; as long as men would spend their gains as fast as they got them, living from hand to mouth, and not laying something by for a rainy day, according to their own emphatical expression, so long would it be impossible to hope that poverty should not creep in amongst us. The benefit-societies contributed, indeed, as far as their general principle went, to remove the danger of being overwhelmed with poverty more than any system which he had seen for many years; but even they might, in many instances, be liable to some objection, as to the detailed part of each particular society. The plan of his Honourable Friend, however, did not possess the least possible means of removing poverty from our door for an instant, except in some few individual cases. He must, therefore, however reluctantly, oppose the motion of his Honourable Friend, whose

humane and patriotic intentions must be fairly acknowledged and sincerely felt by every Englishman.

Mr. Whitbread replied to Mr. Windham, after which the House resolved itself into a Committee on the Bill, which, however, was not further proceeded upon, as the Parliament was dissolved on the 27th April.

ADDRESS ON THE KING'S SPEECH.

June 26, 1807.

THE Speech of the Lords Commissioners on opening the new parliament having been read, an Address of Thanks to His Majesty was moved by Lord Newark, and seconded by Mr. Hall. Lord Howick moved an Amendment to the Address, censuring the ministers for having advised the dissolution of the late parliament in the midst of its first session, by which much inconvenience and expence was alledged to have been occasioned, and many important public measures suspended or wholly defeated. The Amendment further submitted, "That all these mischiefs "had been greatly aggravated by the groundless and injurious "pretences on which His Majesty's ministers had publicly rested "their evil advice; — pretences affording no justification for the "measure, but calculated only to excite the most dangerous ani- "mosities amongst His Majesty's faithful subjects, at a period "when their united efforts were more than ever necessary for "the security of the Empire, and when to promote the utmost "harmony and co-operation amongst them would have been the "first object of faithful and provident ministers." The Chancellor of the Exchequer (Mr. Perceval) having, at considerable length, defended the ministers against the charges contained in the Amendment, and commented on some of the acts of their predecessors,

MR. WINDHAM offered himself to the attention of the house, in order to bring back the question to its real grounds. They were all agreed, as it was

natural they should be, with respect to the prerogative of His Majesty to dissolve his parliament. The Honourable Gentleman who seconded the address, therefore, had given himself unnecessary trouble in discussing a question of which nobody entertained a doubt. His Noble Friend (Lord Howick), in quoting the opinion of Lord Somers, that the dissolution of parliament during a session was illegal, had adverted to that authority, to shew, that if such a lawyer entertained such an opinion, the dissolution of parliament during a session ought not to be resorted to without great justification. That was the argument of his Noble Friend, and he maintained that it was a sound one. The question then before the house was, whether the dissolution was founded upon wise or good grounds. It was to this that he objected, and was about to state the grounds of his objections.

The question between annual and septennial parliaments was a question only of degree, so was the question between septennial and perpetual parliaments; but there was no rational proportion in the history of parliaments, between a parliament of four months, and a parliament of four years. The Right Honourable Gentleman had contended, that the arguments urged in support of the former dissolution, applied with equal force to the late dissolution. But his Noble Friend had argued, that, at the former period, a new crisis had arisen in the war. It was not a new war, but it was a renewed war; and it was therefore desirable, that there should be a parliament, which should continue for some time, because it might be

attended with inconvenience, that any change should take place in the public council of the nation, whilst such a contest continued. The doctrine of the Right Honourable Gentleman went to this, that the parliament should be changed until one should be found, that would accord with what he or any other person might please to state to be the opinion of His Majesty; according to this doctrine, there should be a new parliament with every new administration; or, as had been grandly and greatly said by him, who said every thing grandly and greatly, the late Mr. Burke, we should no longer choose parliaments which might approve of ministers, but choose parliaments to be approved of by ministers. There might be a crisis which would require the exercise of this prerogative, as that in 1784, when a difference between the two houses threatened an obstruction to the progress of public business. He did not however say, that the measure was justifiable in that instance, though it might be defended on the ground of that disagreement between the two houses. For his part, he thought that the aristocracy had then received a blow from which it had not yet recovered. He should not say what might be the consequences, but certainly there was reason to fear, that the precedent would not be suffered to remain neglected, and the late instance shewed, that the principle was aggravated in each successive application. But he wished to know what was the expediency of the measure in the late instance, when it produced all the inconveniences of a general election, all the injury to private property,

and all the detriment to public morals, which such an event was calculated to give rise to.

When all these inconveniencies were to be produced, there should be a good justification of the measure. If the Protestant religion was in danger, that would be a justification of the measure; if the ministers thought it was in danger, that would be a justification of them. As to the cry of the church in danger, he would reply to that by asking of the Right Honourable Gentleman himself, did he really, and from his heart, believe any such thing? When Dr. Johnson was asked by some one, did he believe the authenticity of Ossian's Poems? he replied by asking, Do you believe it? In the same way, he would put it to the Right Honourable Gentleman, Did he believe that the church was in danger? The belief that every concession would be granted to the Catholics, was the sole ground on which he had voted for the union with Ireland. That measure had added genius and wisdom to the parliament of Britain, but these might well have flourished in their own sphere and added to the patriotism and pride of their native land. In his opinion, nothing could have justified the union, but a belief that every privilege could be more securely granted to the Catholics by the united parliament, than by that of Ireland. This was the opinion of Mr. Pitt, Mr. Burke, and Mr. Fox, the most distinguished politicians that had adorned any country. And he would ask the Noble Secretary, who had been a party to all the measures of Mr. Pitt on this very subject, how could he join in any cry that the

church was in danger from measures which fell far short of those which Mr. Pitt had in contemplation? As to the defence which the Right Honourable Gentleman had given for his silence in 1801, when the same, and, indeed, more extensive measures were proposed, it was the mere plea of a pleader, and could hardly be listened to with patience, even in any of those courts to which he had been accustomed. He was then in parliament, the friend of Mr. Pitt, and though the late measure did not go one twentieth part as far as that which Mr. Pitt proposed, instead of regarding him as the betrayer of the Protestant faith, he held him up as the only fit man in the country to consolidate and direct its resources. The Right Honourable Gentleman, however, considered this appeal to the people as having confirmed the truth of his opinions. But he must explain the adage, *vox populi, vox Dei*, in a very large and extensive sense indeed, if he considered this appeal to their dormant prejudices as a decisive testimony to the justice of his opinions. It seemed to be the opinion of the ministers, on the occasion of the late dissolution, that they should take advantage of the cry of "No Popery" while it lasted. They said, we must make hay while the sun shines; the tide of popularity which seemed to run in their favour might otherwise have ebbed, and left them dry on the beach. But what must we think of men who could resort to such means in support of their influence; means which had produced for them that sovereign contempt with which they

have been treated by all sober and thinking men? For two successive parliaments they had abdicated their claims, and in fact declared their incapacity for conducting the affairs of government, and now they stole into power under the despicable cry of "No Popery."

What was the common reproach which the enemies of the constitution urged against parliament? Was it not, that it was a body merely subservient to the will of the crown? Yet the ministers, at the close of the last parliament, had held out threats of dissolution, which was to render it more subservient. The house, however, were not to be intimidated by such threats, and were in consequence dissolved. The experiment, happily, which they had had recourse to, had not produced the effect they desired. The cry of the Church being in danger, had failed of its effect, and the candidates for the choice of the people had not been worried and torn to pieces by the fanaticism which it was wished to excite. The cry of "No Popery" had only been heard in remote and comparatively unenlightened places. What had happened in Westminster? There (though the result of the election was certainly not what he could have wished) it had not so much as been heard of. Though faintly uttered in Middlesex, it had there been equally unsuccessful. In the county of Norfolk, with which he was more immediately connected, though several hot spirits among the clergy had endeavoured to excite and propagate it, yet they had been repressed by the

moderation of that most enlightened and liberal prelate, the Bishop of Norwich. Those who were content to rise to power by such appeals to the worst and most senseless passions of the people, were utterly unfit for its enjoyment and exercise. The house was loudly called upon to reprobate such conduct by their vote this night.

But what must be the effect of the principles which ministers had this night proclaimed with regard to Ireland, a most important part of the empire? No farther concession it seemed was to be granted, and the expectations of a great part of its population were to be closed for ever. Was it nothing to say to them, the door is for ever shut against your claims, there is no farther hope left for you? Instead of being alarmed, however, and exasperated by these declarations, he trusted that they would rather rely upon the good sense of the people of this country, which, during the late election, had declared itself in their favour, and patiently wait for the wiser measures of other men. That stationary situation which the Right Honourable Gentleman had recommended, seemed the worst policy. It was perhaps even worse than going back, and re-enacting those penal statutes, which had long been abrogated. Whatever explanation the Right Honourable Gentleman might put upon the doctrine respecting the Coronation Oath, yet this doctrine had been diligently propagated in pamphlets and sermons, and it had been said that it was positively inconsistent with His Majesty's Coronation Oath that any further concessions should be granted to the

Catholics. The propriety of the late dissolution of parliament was the great question on the present occasion, and on other topics that had been introduced he would not now enter. Ministers seemed to have adopted the doctrine, that it was necessary to form a parliament that was likely to support them, and for this purpose they had taken a moment when they thought the people would be rendered furious by religious zeal — this was their chosen period. But he trusted that the doctrine which he had mentioned would be as much scouted and discountenanced by parliament, as the cry of "No Popery" had been by the bulk of the people.

One word as to the present situation and prospects of the country. The present state of Europe might justly be regarded as a dead calm, such as usually preceded some terrible hurricane. Should Buonaparte be able to subdue the rest of Europe, as was too probable, his whole attention and efforts would then be directed against this country. We were therefore placed in a situation which required all the talents of the country [A laugh]. He had not used the expression unthinkingly; he had done it on purpose, and he would again repeat, that the situation of the country demanded the exertion of All its Talents and energies, and perhaps even the combined talents of the country would not be sufficient to rescue it from destruction, if its resources should for any length of time be placed under the direction of the present ministers.

The Amendment was supported by Mr. Grattan, Lord Milton, Mr. William Smith, Lord Temple, Lord Henry Petty, Mr. T. Grenville, Mr. Whitbread, and Sir John Newport: the original Address by General Charles Craufurd, Mr. Denis Browne, Mr. Bathurst, Mr. Ryder, Mr. Croker, and Mr. Canning. On a division, the numbers appeared to be,

For the original Address - - -	350
Against it - - - - - - -	155
Majority - -	195

DEFENCE OF THE COUNTRY.

July 22, 1807.

LORD CASTLEREAGH, Secretary of State for the War Department, moved for leave to bring in a Bill, "for allowing "a certain proportion of the Militia of Great Britain volun- "tarily to enter into His Majesty's Regular Forces." The men so transferring their services were to be allowed an option of enlisting for limited service or for life. He also, in the course of his speech, gave an outline of the measure which he afterwards brought forward, for raising a Local Militia, Mr. Windham's sentiments on which will be found in a subsequent part of this volume. After Sir George Warrender, Mr. Yorke, and Mr. Bathurst had spoken,

MR. WINDHAM, though he admitted that that was not the proper time for discussing the measure proposed in detail, yet found it impossible to omit that occasion of contradicting and confuting, as he trusted, to the satisfaction of the house, some of the statements that had been made by the Noble Lord opposite. He felt it also necessary to trespass upon the indulgence of the house, in order to reduce the question to its real grounds. Since the Noble Lord had opened his plan, another, the competitor of that plan, had been recommended by the Right Honourable Gentleman

opposite (Mr. Yorke), and his Right Honourable Friend who had just sat down. If the ballot was again to be resorted to, he was inclined to think with those Right Honourable Gentlemen, that it might be better used for raising an army of reserve, than in the way recommended by the Noble Lord. The plan of the Noble Lord was calculated to break down a most valuable branch of the military establishments of the country, and for the attainment of a force, which for a considerable time could not be superior to it. He had often been in the habit of contending in that house, that regiments of the line must be superior to militia regiments; and certainly he did not conceive that, in so doing, he was giving reasonable cause of offence to any description of persons whatever. It was not in the nature of things that troops, who could not by their constitution have any opportunity of real service, except in case of invasion, could acquire the same spirit and character, or attain to equal discipline, with troops accustomed to act together, and to witness the conduct of their officers in circumstances of real danger. The officers, too, of the militia, who entered that service young, and with a view to pass a few years agreeably, would not devote themselves to their profession in the same way as persons who has nothing else to depend on for their subsistence, and for all their success and prospects in life. He had often contended that such a difference existed; and, until the more favourite charge respecting the volunteers had been started, he had been, for so doing, represented as the enemy of the militia. The Gentlemen opposite had,

the Honourable Gentlemen might choose to describe the superiority of a regular regiment over a regiment of militia, they would hardly go the length of saying, that the worst of the first class was superior to the best of the other. They could not pretend to say, that there was not a period, and perhaps a pretty long one, during which the regular regiments, with their new recruits, would not remain inferior to what the militia was before these recruits were taken from it; and during this period, whether of longer or shorter continuance, the country must be the weaker. Thus far, therefore, there could be no plea of necessity; for it never could be necessary for a country, with a view at least to any immediate pressure, to make itself weak. But a time will come, it seems, when the measure will make us strong. And with a view to this it is that we are to begin to calculate, comparing the degree of strength to be thus obtained, and the length of time during which it is to last, with the temporary weakness that will precede, and the increasing and endless weakness that will follow it. For it happens whimsically, that the measure now proposed as necessary for the salvation of the country, will be good for that purpose only on the supposition that the attempt of the enemy shall be made within a certain prescribed period. Should it be a little too soon or a little too late, should we be unable to bespeak the invasion, and to fix it exactly to our own time, all that we shall have been doing will have rendered our situation only so much the worse.—The period of strength will, however, at last arrive, namely, when the men transferred shall have been so settled in their new regi-

ment, as to give to the regular army more strength than the removal of the men shall have taken from the militia, and when our numbers shall, upon the whole, have been increased by the difference of those raised through the medium of ballot beyond what might have been raised in the same time by recruiting. We were to consider the price at which this increase of strength would be purchased, joined with the consideration of the time for which it was likely to last.

He had already observed, that we were to pass to this period of strength through the medium of a period of weakness. He had observed, also, on the lasting evil that would be incurred in consequence of the effects produced on the militia service. — The third head remaining to be considered, was the value of that system of military measures which was adopted last year, and to which we were now about to put an end. Upon the subject of these measures something of a preliminary question had arisen at the time, how far what was proposed was entitled to be called a plan. He for one had always rejected that title, disgusted, as he had been, by the applications which he had seen made of it: Yet he certainly did not mean thereby to admit, that in the best sense of the word, as implying the just distribution of a subject into its proper parts, and a systematic direction of those parts to the common purpose intended, the measures of last year were not as well entitled to that appellation, and indeed a good deal better than any measures that had preceded them; or, as far as at present appeared,

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than any that were likely to follow. — The measures, however, of last year, had so far less of a plan, that their pretensions to merit, contrary to what might be the case now, was more in what they *un*-did, than in any wonder-working powers which they professed to have in themselves. — The army had been, for years, supported by shifts and expedients. It was supplied by means which could not last, and which, while transitory themselves, were continually destroying the resources from which any supply could be expected in future. It had been kept alive by drams and cordials. Its constitution, in fact, had been so broken by the experiments which had been tried upon it, and the discipline which it had undergone, it had been so bled and cupped, and blistered and purged, that, when the new practitioners were called in last year, there remained no hope (conformably indeed to the opinion which they had often given) but by discarding medicine altogether, and trying what might be done by nature, when left to operate for herself. If the patient was to be saved, it must be by air and exercise, by diet and regimen, by good and wholesome food, given too in sufficient quantities. The best service to be rendered in the first instance, was, to tear the prescriptions, and throw all the physic-bottles out of the window.

This was the basis of the plan of the late ministers with respect to the army. They were led to this plan as well by consideration of the general nature of things, as by reflecting on what had been the history of the military establishments of the country for many

years past. Within a period not exceeding the memory of many whom he was then addressing, a guinea to buy necessaries, and a crown to drink the King's health, was all that was given to a recruit upon his entering the army. A bounty properly so called, that is to say, a price to tempt a man to do what he was otherwise disinclined to do, was unknown. The service was its own price. So late as at the beginning of the American war, examples were found of officers reprimanded by the war-office for having extended the bounty so far as to two or three guineas. Among the general causes operating to produce the change which afterwards took place (those great ones, namely, of the depreciation in the value of money, and the continuance of the pay at the same rate at which it stood in Charles the Second's time), a cause of a more limited, but of a more immediate effect, was the militia. This system, for reasons which he had often stated, and would not now repeat, did not, for several years after its establishment, produce any consequences affecting materially the recruiting of the army. But at last, as the militia assumed a more regular form, as the practice gradually prevailed of calling it out, and keeping it constantly embodied during every war, as its discipline improved, and the practice of substitution took place of that of serving in person, its effects upon the army began to be severely felt. The demand for substitutes on the part of men placed in circumstances the most disadvantageous for obtaining what they wanted upon reasonable terms, soon brought things to a state, in which ser-

vice in the militia (a service for a few years, and within the kiugdom), could be purchased only at a high premium, and in which men, therefore, could hardly be looked for in great numbers, who would be willing to forego this premium, and enter the army for nothing. The only expedient that occurred for remedying this evil, was to give a bounty for the army also; and thus to enable the army to hold up its head, and bid against the militia. But though this succeeded for a time, its very success was such as contained a principle destructive of its continuance, the effect of the competition being to raise the price upon both services, till at length a sort of limit was produced, not merely by the consideration of expence, but by the effect which the high bounties had in producing desertion. Nothing now was thought to be left, but to have recourse to compulsion, that is to say, ballot: but as ballot could not be applied directly to the army, the expedient devised was to augment the militia, in order that afterwards the men might be induced, by bounty, to extend their services, and become soldiers complete.

Upon this view, a grand attempt was made, in the years ninety-six and ninety-seven, to raise the militia from 30,000 to very near 100,000 men; and in the years 1799 and 1800, out of the force so raised, to transfer to the army a force of about 46,000. Neither attempt succeeded to the full extent. The projected 100,000, with all the endeavours used, could never be made to rise much higher than 70,000; and of the 46,000, the first portion, or 20,000, with whom the

trial was made, were obtained in the year 1799, at the time of the Dutch expedition; but of the remaining 26,000, to whom permission was given to enlist in the year following, not more than 12,000 were obtained at the time, the rest were left to enlist at their leisure, and, if they should still decline, were to continue subject to be called upon for the militia. The militia laws had, in the mean time, fallen into great confusion, owing to these successive changes; and a Right Honourable Gentleman (Mr. Yorke), making part of the government of the time, had, in consequence, in the year 1802, introduced an act, meant for the purpose of consolidating all the former acts, and settling the system upon a permanent footing, but still keeping in view the grand object, the augmentation of the number, on account of the difficulty that was found of adding, by any other means, to the military force of the country. The establishment of the militia for this country was to be 40,000. But even here, unfortunately, the authors of the measure reckoned without their host. War came, and the price of a substitute rising in consequence above the amount of the penalty, the measure produced only money and not men. New expedients were then devised, to make the amount of the penalty keep pace with the bounty; and the whole scheme being, after all, insufficient for its purposes, new militias were created, new augmentations made to those already subsisting, and new measures brought forth on a similar principle, though of a different form.

He had forgot, in the enumeration of the measures previous to this period, the famous Quota bill, by which mutiny was introduced into the navy, and the Provisional Cavalry bill, the most diverting certainly, if not the most efficacious of all the measures of the class in question, by which sums had been paid to the amount of seventy or eighty guineas to rescue old ladies from the terrors to which they were exposed of being turned into light-horsemen.

Greater designs were now conceived, and greater powers brought into action. Besides the militia in Ireland, which was created or augmented about this time, a new militia, on somewhat more extended terms of service, was set on foot, under the name of the Army of Reserve. Many Gentlemen had expressed their opinion, not without great show of reason, that if a measure of the sort at present proposed was to be adopted, it should be a repetition of the Army of Reserve. The great objection, of course, was the extreme hardship, which, besides that it was a strong objection in itself, had the effect also of rendering the measure, after a certain point, incapable of being executed. Such had been the case in the instance in which the measure had been already tried. After a certain time, a re-action had been produced which made it incapable of proceeding a step further. The measure was therefore abandoned, not from any caprice or jealousy in the government which succeeded, who, on the contrary, shewed a desire to continue it as far as they could; but because it was

functus officio ; it had done less indeed in some degree than it had hoped, but all that it could do.

The Parish bill succeeded to it ; and it was not necessary to point out to the house what the failure of that bill had been. [A cry of no, no, from the Treasury bench.] If this measure had not failed, it must be because some new definition had attached a different meaning to the word failure. He knew of no criterion of failure in any undertaking, but that of not doing what it had intended and engaged for. The Parish bill had engaged to raise 40,000 men in about fifteen months, that is, by the first of October 1805: in about twenty months, that is, by the first of March following, it had not raised 13,000; and during its whole continuance, it never produced to the amount of 16,000. This, according to common ideas, would be called failure. But had it succeeded ever so well, it never could ultimately have furnished to the regular army more than 9000 men a year. Nay, there was a degree of success which would have prevented even that, and have put an end to the measure altogether. If all who had been raised under the bill, had agreed to extend their services, and to enter the army, fulfilling thereby the very purpose which the measure had in view, the bill from that moment would have ceased to exist. It could not continue but by failing in part to execute what it intended. It that way it might, it was true, continue to operate, though its success was for its *maximum* limited in the way which he had stated, and had for its *minimum* no limit at all, but might be reduced to the supply of the casualties

on a portion of the Army of Reserve, however small. No further failure need indeed be looked for in the bill, than its being one which, from the burthens it imposed, the injustice which it committed, the serious oppressions and abuses to which it led by converting into an engine of recruiting all the parochial government and smaller police of the country, was rejected by the general voice, was thrust out of the statute-book by the universal conviction of its unfitness to continue there. The Parish bill therefore died a natural death, and was not put an end to prematurely by any desire on the part of the ministry of the time, to make way for a favourite measure of their own. It ended, as all its predecessors had done, if not like some of them, by having absolutely run itself out, and having reached the point beyond which it could not stir a step, yet by shewing, that, after all that could be hoped for from it, the evils attending were such as to make its continuance no longer tolerable. The proof is, that no one has ever thought of reviving it. If its merits were what the Honourable Gentlemen had so often contended, if it really was that system of recruiting which had accomplished the object so long sought for, and discovered a source of recruiting on which the army might safely rely, why, in God's name, did not the Honourable Gentlemen propose to the house to re-enact it? It was in vain for them to say, that the remission of the penalties under the former bill had rendered this impossible. To make any thing of this, they must shew that the remission of these penalties was avoidable;

that four or five hundred thousand pounds, he believed, of penalty, incurred by acts for which the parties were not blameable, inasmuch as the service required was wholly out of their power, for which many of them were even meritorious, inasmuch as the impossibility arose from the restriction which they had imposed upon themselves of not breaking the law, could be levied without a degree of injustice which nothing could authorize. If this could not be shewn, the return to the measure was not precluded by any other cause than the vices inherent in the measure itself.

Here, then, the same difficulty recurred as the country had been struggling with for the last thirty or forty years. If the Parish bill was not fit to continue; if, continuing, it could not produce to the army, at the utmost, more than 9000 men a year; if the recruiting, for a long time declining, was now further reduced by the effect of these very measures, something must be done, not so much to augment the army, as to prevent its going down, and to supply the number of men by which it must annually be diminished. The same necessity which existed for supplying the place of the Army of Reserve-bill, existed now for supplying the place of the Parish bill, or for making good at least what would have been wanting to that bill, had it been possible that it should have continued, and had it produced the whole of the 9600 men, which alone it was capable of producing. To say the truth, none of the measures that had been successively tried, down at least to the pre-

sent time, had been rejected in consequence of any idle desire of change, and still less of any mean and envious spirit of jealousy on the part of persons newly succeeding to the government, and following those of whom they were the opponents and rivals. In fact, the measures were most of them changed without any change of ministry, and by the very same persons who had brought them in. They were changed, either because they were found impracticable or objectionable, or because, being of a temporary nature, their continuance became useless after a certain time. On one or other of these grounds was a stop put to the several augmentations of the militia proposed in 1796, 1797, and 1802. In part the measures were found to be impracticable; in part they were rendered no longer desirable by incidents which had happened in the mean time. The Quota bill and Provisional Cavalry bill passed away without any enquiry as to the cause of their decrease, and certainly without any lamentation for their loss. These two, any more than the others, were no sacrifice to party rivalry; they died in the life-time of their parents, and were by them quietly conveyed to the family-vault, without the least suspicion of their having come by their death through any undue means. In like manner, the last of the Militia Augmentation bills which he had mentioned, that, namely, of 1802, was superseded by the authors themselves, who, finding the measure impracticable in its first form, (the price of a substitute having soon risen above the amount of the penalty,) and not likely to prove effectual, even

after all the additional rigour of making the fine cumulative, had recourse to the measure of the Army of Reserve, being in fact a militia of something of a different form with something more of effect, but at the same time with more of severity. He had already observed, that no charge could be brought against those by whom this measure was superseded; if any supercession could in fact be said to have taken place, where the measure in question had ended itself. The same was true of the ministry of last year, with respect to the Parish bill. That measure had not indeed, like most of the others, ended itself: it was not even clear, that the numbers to be raised by it, though at the expence always of the regular recruiting, might not for a time have gone on increasing: but it was demonstrable that it could not finally have answered its purpose, and in the mean while the objections to it were such that all the world was crying out for its repeal.

This was the state of things in which the late ministry came into office. The same difficulty, remained that had subsisted all along, the difficulty, namely, of providing a fund from which the army might be regularly supplied; and for this the measures adopted had not only furnished no remedy, but, for the most part, had not even attempted one. After every new turn, though a considerable addition might in the mean time have been made to the numbers of the army, the country was equally to seek for the means by which those numbers were to be maintained. The difficulty was in fact continually

increasing: every new attempt in the course hitherto pursued having tended to throw new obstructions in the way of those that succeeded it. Ballot created the necessity of bounty. Bounty, rising to excess, and losing as much by desertion as it gained by recruits, created in return the necessity of new ballot: then bounties shot up to a height, which not only stopped all ordinary recruiting, but created a burthen which it was impossible the country should long endure. Forty, fifty, sixty guineas became the price of a recruit. Ballot and bounty were indeed the only resources that seemed ever to have been thought of. The whole compass of our invention, the whole scale of our music, seemed to comprise only these two notes. It was the sort of poverty of conception, reproached by some foreigner to English cookery, that we had but one sauce, and that that sauce was melted butter. The ministry which then came in, ventured an opinion, that possibly more men might be found to enter the service, if the service was made more eligible, by holding out more advantages or fewer objections. It seemed to them, that the hope of inducing men by bounties to enter into an engagement, which was to last for life, was little less than an absurdity, if it was not something worse. If the engagement was not in itself desireable, could it be hoped, or was it (he would add) to be wished, that many should be found so rash and foolish, as to be determined in their choice by the attraction of a few guineas paid in the shape of a bounty! If such a resource could even be relied on, it might well be

doubted, whether a government ought in conscience to have recourse to it, and so to place itself with respect to its subjects, as to be trading for ever with the ignorant and thoughtless for the purpose of inveigling them into engagements, which it was confessed, by the very form of the transaction, they were likely afterwards to repent of; this repentance moreover being of a nature to last for life. It was not a question however of duty or propriety. It was found by experience, that the military service had by degrees, and in consequence of the change of times, fallen into a state in which it could no longer attract men in sufficient numbers; and that any attempt to supply by bounties what was wanting in the service itself was, as might be supposed, a vain attempt which could go but a little way towards remedying the evil. They took, therefore, the only means which, according to their ideas, could hold out a hope of success, the only means in fact which were left them, that of a general improvement of the conditions of the service in such a way as should not be attended with too great an expence, nor be inconsistent with the discipline and well-being of the army. They might have gone to the old resource, as the Noble Lord has done, of plundering the militia: that expedient was as open to them as to His Majesty's present ministers, and required no great genius to invent, nor talents to execute. But besides that it did not meet the difficulty, and would have left the country, in a short time afterwards, just in the same situation in which all similar measures had left it, it did not appear to them

a measure to be resorted to, even for the purposes for which it was good, except upon a necessity greater than that which they considered as existing.

Whether the experiment thus made had succeeded or not, as procuring a supply for the army adequate to its consumption, it would be difficult to say that the attempt ought not to have been made, since it was by a change of this sort, that is to say, an improvement in the service, in some way or other, that a prospect of complete success could alone be afforded, and since, even if such success should be unattainable, the partial success of every other measure must be greatly promoted, by whatever should render the service more palatable to those who were to enter into it, whether voluntarily, or by compulsion. The trial hitherto made, not only shewed that the measure ought to have been tried, but that it was likely to be attended with the most complete success. To have put the army upon a footing in which it might have stood by itself without the aid of continual props and supports, was, if accomplished, no small service: but it was far from the whole which the circumstances of the country at the present moment unhappily required, and which the late ministry might flatter themselves with having effected. Against the new dangers which now threaten every country, armies alone are not a sufficient defence. When the army has been carried to its greatest extent, means must still be looked for from the population at large, from the great mass of the community whom it is idle to talk of turning into soldiers, by whom the state must be

maintained, and whom it cannot maintain, and who could not therefore be spared, even if they could be forced, except occasionally and momentarily, from the labours and occupations of common life. To devise the means by which the great mass of the inhabitants might be made to contribute to the general defence, and come in aid of the operations of the army, was the object of the Training act,—a measure which, if the Noble Lord thought to decry by shewing, could he even succeed in so doing, that in the details much was still imperfect and wanting, he must be answered as Dr. Johnson answered some one who, on similar principles, was criticizing a dictionary, that he who thought to destroy the credit of a work of that sort merely by pointing out particular faults, only betrayed his own ignorance, for that no work of that nature was ever put forth, in which examples might not be found of faults of every description. Such faults he was ready to allow might exist in the Training act, but not more than would naturally be found in every similar measure. No bill of the sort in question was ever completed in the first instance, or came perfect out of the hands of the framer. Much must always be left to be supplied and corrected by trial and experience. These additions and amendments let the Noble Lord supply. But let him not set aside or seek to depreciate the measure, or deny that a measure of this sort, this or some other, must form a great and leading branch, the very basis and trunk he would almost say, of every system of military measures, which it would be right to adopt in the

present circumstances of the world. An army is the great instrument by which a country must act, whether for foreign wars or for home defence. But an army must be supported, and, what is more, an army must be supplied. An army itself may want the co-operation of other less regular force: for which purpose, part of his system would be, as it had been, to keep on foot an establishment of corps similar to our present volunteer corps; that is to say, corps that should act as such, and under the immediate command of their own officers. But a further and still more important use to be derived from the population of any country, was to keep them in that state in which there might be a sufficient portion ready at all times to supply the deficiencies, and make good the losses of the regular army, that is to say, in which there should always be a certain number of men ready enrolled and liable by law to be disposed of for those purposes, and in which the men so enrolled should be in a certain degree prepared for the service assigned, by having received as much training as it might be convenient or possible to give them. The enrollment and the legal preparation might be always complete. The training would vary according to circumstances, and must at all times be to a great degree imperfect. But a bill for such purposes should always exist, and be more or less acted upon, as long as the circumstances of the country and of the world should continue what they were. Such were the objects of the present bill, and which as far as enrollment went, the first and main object, — was already complete or

nearly so. The country had at this moment, in virtue of that bill, 200,000 men, whom His Majesty might immediately proceed to train, and whom he was immediately authorized to dispose of for the purposes of defence in his regular regiments, or in any other way that he should think fit. Such a body of men so circumstanced would be no bad present to the country, even though to as late a period as that at which the preparations of the enemy should have actually begun, not a man of them should have had a musquet upon his shoulder. But why was that to be their situation? The bill, if not prevented, was proceeding in its natural course, and would soon give to these men as much training as the circumstances required, as much at least as it was thought desirable to attempt, consistent with a due regard not to render the measure more burthensome or vexatious than was necessary. Difficulty, he denied, there was any, more at least than must attend every measure of detail, when tried for the first time. If more training was necessary than the bill had provided, let more be given. As much had been done as seemed to be wanted at the time when the bill was brought in.

This part of the plan of the late administration, which the Noble Lord seemed inclined to overlook, was, on the contrary, that one of the three members of which it consisted, which operated in the most directions, and did, more than any other, give to the whole its character of unity and system. It was not a little which the Training bill was likely to do for the recruiting service: the volunteer establishment, such

as it was meant to be under the late acts, would grow out of it altogether. This last fact was so true, that, according to the system of volunteers now proposed, there ought to be no Training act at all. The view entertained upon this subject by the late administration, and which he must contend to be the true one, was, that the volunteer service should be considered as the privilege of those who were willing and able to contribute by their purses, as well as by their persons, but who did not choose, for whatever reasons, to subject themselves to the compulsion of the Training act. Three classes of persons were supposed: those to whom service in person, in whatever mode, either was, or was considered to be, a burthen, but who were ready to contribute their money; those who were willing to serve, but who wished to be indulged in the privilege of serving in corps by themselves, and under officers of their own; those, lastly, who having either not the wish or not the means to purchase one or other of the above exemptions, yet being comprised within the prescribed limits of age and stature, and not included in any special exception, must be content to perform their share, by no means a severe one, of the common duty, upon the terms which the act had laid down. But it would be the cruellest and most unjust of all proceedings, if persons so circumstanced, were, in addition to their personal service, to be called upon to contribute to the expences of those who were allowed to perform that service, upon terms more agreeable to themselves; if the poor were thus to be called upon to pay for the privileges of the rich. This must be the case if volun-

teers were no longer to serve, agreeably to what had been supplied by the acts of last year, at their own expence. The acts of last year had provided, that volunteers already enrolled should be allowed to continue, with the exception only of certain special cases, upon the same rate of allowances, which they had before enjoyed; but that all who should engage hereafter, instead of being trained under the general act, to serve in corps of their own, with the condition of never being compellable to serve out of those corps, should be required to serve at their own charge. A more just condition could not well be conceived, nor one, in consequence, from which the departure would be more unjust with respect to those on whom such departure must be the means of imposing an additional burthen. The condition was indeed as judicious as it was just: a due provision was thereby made for those distinctions of rank, which in many points it was most important to preserve, and which it would rarely be desirable to confound, even on those points which might seem to regard more the feelings of the individual than the interests of the community. The force thus provided would not only cost the public nothing, — a circumstance that he believed would be found hereafter of some account when the charges should come in upon the system as then established — but would consist precisely of the description of persons, selected as by a rule, whom you would wish to have in it, and be limited to the extent to which alone it would be desirable that it should be carried. No better rule could probably be invented,

which would distinguish with exactness those whom it would be desirable to collect into volunteer corps, from those who would be left with more advantage to be disposed of by the executive government, (to be distributed for the most part into the regular and militia regiments,) than that which resulted from the single condition prescribed by the act, namely, that all persons serving in future in volunteer corps, should serve at their own expence. With a view to police, a most important consideration in the establishment of the force in question, nothing could be more desirable than that those entrusted with arms and subject so little to any military controul, should be persons of some substance and stake in the country. Even in a military view, a certain portion of corps composed of men in the higher ranks, similar to those that we meet with in the history of the times of Charles I., might be of the most distinguished use, and render services not to be accomplished by any other means.

Such was the volunteer force which the late system of measures would have given the country, arising naturally and insensibly out of the measure (the Training act), of which the Noble Lord was disposed to make so little account, and forming a contrast which he hoped the house and country would not lose sight of, with the volunteer force as before subsisting, and as now intended to be re-established. He for one was fully convinced not only that the plain and simple plan adopted last year, was the best that could have been chosen, but that it was the only one consistent at least with sense and reason, which the

nature of things afforded. In respect to the particular part to which allusion had last been made, viz. the Training act, it was that which could not be withdrawn without weakening the measure throughout, and in part entirely destroying it. It was the sole foundation and basis of what was proposed as the volunteer force; it was the source to which the army must look for an immediate and instant supply in case of invasion: it would, in the mean while, contribute, probably, most powerfully to the recruiting service: it would have the constant effect of training the people gradually to arms, and of preparing them for the great dangers, to which they must long look to be exposed. A Training act of some sort or other there must be. He had no claim to originality on this point. He had stated from the first, when introducing the measure, that, he took for his model, and was anxious to be understood as doing so, the measure of a similar sort introduced by a former administration, adhering to it whenever he could, and departing from it only, as he would wish his own to be departed from, where, by later and further consideration, mistakes might be corrected, or improvements introduced.

Were a scheme of national defence to be prepared entirely from the beginning, he should be disposed perhaps (though it was a question of nice consideration) to make it consist of three only out of the four members, of which our present force consisted, viz. the army, the volunteers, and the Training act, leaving out that great and now most important part, the

militia. But it was one thing to say upon any subject, what should have been done originally, and another, what was proper to be done with things already formed and established. It might have been better possibly, that the militia had never been established; but it was a far different question, whether you would now abolish a force of that description, making often more than a half of your army at home, and wrought to its highest possible perfection. Upon these grounds the late administration abstained carefully from every thing, by which the militia force could be injured or weakened. It would have been just as easy to them as it is now to the Noble Lord, to make a large addition to the army, by robbing to the same amount the militia. Such a measure had, in fact, many temptations to them which it had not even to the Noble Lord; and might have been adopted also, in the then state of the country, upon infinitely better grounds, and with far less risk and inconvenience than it was by the Noble Lord at that moment. A measure of that sort would have given a great real, and a still greater apparent activity to the new regulations for the improvement of recruiting. It could not be that the ministers of the day were incapable of imagining such an expedient, or that all the inventive talents of the Noble Lord were necessary to repeat a measure which had been already tried, over and over, and which, to say the truth, never required originally any greater force of mind or thought than that which consists in wishing for what you want, and taking it when you have the power.

The house would hardly fail to remark the whimsical circumstance, that those who doubted of the original expediency of a militia force, were the persons to preserve it when established, and that the Noble Lord, and others its friends and champions, were those who began the work of its demolition. With these changes in the thing itself, and these proofs of the disposition of those to whom its fate was committed, he had only to entreat of the Honourable Gentlemen that they would put an end to the measure altogether, and would not keep it in a state in which it was nominally to subsist, while all its real virtue and efficacy would be withdrawn.

When the Noble Lord was dealing out his opinions about the practicability or impracticability of the Training act, the house would recollect, that he (the Noble Lord) was in the situation of the man, who wished the oracle to declare whether the sparrow was alive or dead, which he held in his hand. The Noble Lord had nothing to do but to give a squeeze, to verify at any time his own predictions. Nothing as yet had caused any difficulty in the execution in the Training act, but the unfortunate substitution of the militia lists in the room of those originally intended, and which certainly, as it now appears, would have been far more correct, as they were likely to be more suitable to the ends proposed. It was a point on which he had yielded to the judgment of persons more conversant with such matters than himself, but whose judgement had certainly proved erroneous in that instance.

The pleasantry of the Noble Lord on that provision of the bill which required the attendance of the constable, was both unlucky in itself, and still less fortunate in its application. If it could have wounded any body, it must have been a Gentleman to whom the Noble Lord was disposed to pay compliments, the Right Honourable Gentleman opposite (Mr. Yorke), by whom the clause was first introduced, and from whom Mr. W. had only the merit of borrowing it. But in truth the joke was perfectly harmless. It was a very good one when the Noble Lord first heard it, (for it was not new,) but somehow or other it missed fire in his hands. In truth, what more proper person could be found than the constable to keep order among men, all of them of his own parish or district, who, not being yet soldiers, would, if not placed under the controul of some civil officer, be under no controul at all.

A much severer blow than all the Noble Lord could inflict by his wit, or than had in fact been inflicted in any other way, was now levelled against the success of the measure, by the option which it was proposed to give to those who entered from the militia, of entering, if they should think fit, for life. This little clause, so moderate in its operation, so reasonable in its pretexts, so innocent in the eyes of those by whom the subject had been but little considered, so well understood by those by whom the clause was brought in, was just the most mischievous, as well as the most dexterous stroke that could have been contrived by persons who wished the destruction of the mea-

sure, and were not disposed for the moment openly to avow their hostility. It was a stroke given by a poisoned dagger, which, though it might make a wound no bigger than the scratch of a pin, would soon be the means of spreading disease and gangrene over the whole body. It had been observed repeatedly, that the great effect to be hoped for from the measures of last year, must depend on the opinion that would be entertained of their stability, on the confidence to be placed in them, founded in the assurance that they would not be departed from or made the cover for designs other than those which they professed to have in view. Confidence, as had been remarked on some occasion by the late Lord Chatham, was a plant of slow growth in an aged bosom. It might be said with equal truth, that it was a plant of slow growth in ignorant bosoms. Ignorance was always prone to suspicion; and besides that the persons to whom measures of this sort were addressed, and upon whom they were to operate, were among the most illiterate and the most ignorant, something far short of ignorance might be allowed to be suspicious, on a subject where, for a long series of years, deceits and impositions of one sort or another had, he feared, been so repeatedly practised. The moment it came to be understood, that the system of last year was to be changed in any part, all confidence in what was left, and all reliance on what was to happen in future, would be, if not at an end, at least greatly impaired. It would be in vain to tell the people, that nothing was changed but what depended upon their option; that

they were still at liberty to enter as before for a limited term, and that faith in that case would be equally kept with them. The general impression remaining upon their minds, and upon the minds of those by whose opinions and feelings their own would be governed, would be, that a change had taken place in that which they had been told would be permanent, and that the same security no longer subsisted, that what should be held out to them as the condition of a soldier, should continue to be so a few years hence.

It was not to be supposed, indeed, that even without this change, the confidence of the people in the measures of last year had attained to any thing like its *maximum*, or that it would perhaps for a period of several years have become so fully established, as to give to the country the entire benefit of that system. That distrust upon such subjects was not wholly unreasonable, was proved pretty clearly by the present events. The measure could hardly be considered as having reached its maturity, till service for seven years as a soldier should have become as familiar to the minds of the people, as service for seven years in an apprenticeship; till they should have seen the example of men returning after such service, and exhibiting a living proof among their friends and relations, that promises of this kind were really meant to be kept, and were not liable to be changed by every change which might happen to take place among the rulers of the state. Conformable to these views was the experience of what had already passed. The first great pledge which operated with the people respecting

the late measures, was the increase of allowance, the payments on which commenced only at Christmas last, to the Chelsea pensioners. Then they began to see proofs that the government was in earnest, that all which they had heard upon the subject was not mere talk. These proofs, fortunately for the country, as well as some other parts of the late system would still continue to operate, and would promote the success of the Honourable Gentleman's measures even in spite of themselves. They were parts, which the Honourable Gentlemen, with all the laudable spirit of mischief by which they had shown themselves to be actuated against the measures of last year, had not yet ventured to touch, and of which they would, on the contrary, be very glad to transfer the benefit to themselves. Had the benefit thus produced, been suffered to remain with the system which gave it birth, and to which it might seem of right to have belonged, had all the parts of that system been suffered to work together, according to the views of those who originally framed them, it is not too much to say, that the longer they had continued, they would have risen more and more in the estimation of the country; that they would have improved upon acquaintance; that as it would, and as it had, far outstript its competitors in the outset of its course, so it was not a measure which was likely to lose on longer trial the advantages which it had once obtained. If ever there was a measure formed on principles having a view to permanency, composed of materials which were likely to last, which, being good from the beginning, was for a long time

certain to improve and never to grow worse by keeping, it was the measure to which he was alluding. The Honourable Gentlemen knew and felt this, and were determined therefore betimes to destroy it. Though for this intention he could not be supposed to feel much good will towards them, he might have felt more respect had they sought to execute their purpose upon better pretexts and by nobler means. The pretexts indeed did not depend wholly upon themselves: they must take up with such as they found, or such as they could make. He was happy to think that in neither way their success had been such as could make it much a subject of congratulation. There was no pretence to say, that the measure had not succeeded, in the period for trial which had yet been given, to the full extent of what its authors had ever promised. In the last six months, the produce of the bill had exceeded what had been raised during the corresponding period, by the ordinary recruiting and the Additional Force act put together. This was all that need be required. No one had ever objected to the Additional Force bill upon the score of its not being likely to raise men. The objection was to the means which it employed, to the expence which it incurred, to the lasting evils which it would entail upon the country. When it was considered, moreover, that the men raised under this act might be received at a standard lower, by two inches, and of an age higher by fifteen years, than in the regular army, that is to say, at five feet two inches, instead of at five feet four inches, and between eighteen and

forty-five, instead of between eighteen and thirty, to have exceeded at once the produce of that bill, joined to the *undiminished* produce, according to the Honourable Gentleman, of the ordinary recruiting, was a degree of success, in the early stages of the measure, with which the authors of it might well be satisfied. He for one had never promised himself, and assuredly had never ventured to promise others, that it would attain, so soon after its commencement, a degree of success exceeding, or even equal to that which he had stated.

So far as to success. — It could as little be stated that the measure had, as yet at least, produced, or showed a tendency to produce, any of those evils which had been predicted of it, in respect to its effect on the feelings or character of the soldier, or on the discipline of the regiment. Such an objection, so far as related to the mixing of men upon different terms of service, would come with an odd grace from those, who were now studiously and wantonly augmenting that inconvenience, by an infusion of men, not only serving for different periods, but serving for different periods with men raised at one and the same time with themselves. Formerly, when this consequence had been so much objected to; though then even (by the way), with the most perfect inconsistency on the part of those who had been concerned in the Army of Reserve or Additional Force acts; the men who came in for term of years were men raised professedly upon a new system, and were to be added to those who had entered the army before the system in question had

been introduced or thought of. Many of these, from the length of their past service, were not further removed from the period of their discharge than those who had newly entered upon a term in itself shorter. None could complain, or feel even any discontent, that others had the benefit, and without prejudice to themselves, of a change of system which had not taken place till after their time. Of part of the benefits of this change they had been made to partake; and it had been objected to him more than once, he must confess not wholly without reason, that he had not followed up his own professed intentions in that respect, by giving to all who were then serving, and whose period of service amounted to not less than 21 years, the option of retiring should they be so disposed. He was fully persuaded both that such permission ought to have been given, and that it would have been attended with the most beneficial effects; and it was not without much regret that he found the opinion of others different from his upon that point, more especially after the expectation which had been held out, though certainly such expectation had not amounted, with respect to the soldier, to any direct pledge. But, in point of fact, no injury had yet arisen to the service of the army from any of these sources, even if the measures of the Honourable Gentleman were calculated to afford a remedy, or if they did not on the contrary directly tend to introduce the evil of which they formerly affected to be so apprehensive. In the mean time, he was happy to find that the general judgment of military men, and the general sentiment of the

country at large, confirmed his statement, notwithstanding that the known inclination of government might operate even without any exertion of undue influence, to give a different turn to the opinions of those dependent upon them. If it was true, as the Noble Lord said, that the British army could not at any time derive a sufficient supply from the volunteers alone, this was a serious grievance. Such had not been the case formerly, and his measure would provide a supply for future exigencies, in the number of persons retiring with pensions, at the end of their times of service, who would be liable to be called forth again upon such exigencies. So far as he was himself concerned, he wished his measure to be repealed, as he was sure it would not be allowed a fair trial.

He denied the existence of an emergency sufficient to justify the breaking up of the militia, and the overturning of the new system. If such an emergency did exist, he would prefer a direct ballot into the line as the means of meeting it. It was not true that the regular army was in a continued state of decrease. It had increased in 1804; it had increased in 1805; and notwithstanding a reduction of 3000 men at Ceylon, there had been an increase of 8000 men from March 1806 to March 1807. The new measure according to its last rate would afford a supply of 24,000 men a year, which was 11,000 above the common casualties as commonly calculated. The measure was now in the hands of His Majesty's ministers, who would probably act by it like a parish

nurse, stinting its meals, disturbing its rest, and giving it a sly pinch as often as opportunity offered. He would move for further returns, though the sense of the country was so clear that it seemed superfluous to take further pains to shew the success of his measure. He had said that it would be useful to commence the system of discharges by dismissing those who had been twenty-one years in His Majesty's service. He was sure these men would have been immediately replaced by others induced by their example to come forward; such would be the effect of other cases of discharge also. His opinion, however, had been surrendered to persons whose judgment he respected, and who thought otherwise. He had given no pledge, of course no engagement was broken.

With respect to the employment of our troops on foreign service, the troops sent to Alexandria had gone, not from home, but from the Mediterranean, where they had been sent by the late ministers. He should, if called upon, be ready to argue the policy of the expedition. The sufficiency of the number of troops sent was another question. There had been every reason to think that the expedition had been undertaken with the concurrence of the natives. Under these circumstances, and if it had not been for the misconception that led to the disasters that befel our troops, they would have been able to maintain themselves unhurt.

With respect to the expedition to South America, it was undertaken, not by the choice of the late government—it was undertaken contrary to orders, by an

officer who, it was to be presumed, acted not improperly in undertaking it, as he was again in employ. [Hear! hear! from the opposition.] It became necessary to send out aid as soon as the first account was received. The promptitude and sufficiency of that aid he was ready to maintain; for the delay in the passage of General Craufurd's expedition, the late government was not culpable. No expedition had ever sailed from this country better manned and found. No force had ever enjoyed better health, or suffered so very little by casualties. All the letters received from the fleet spoke in the highest terms of the General to whom the merit of this was given, as well as to the naval officer commanding, to whom he was glad to have an opportunity of doing this justice, as he knew the arts practised to injure him.

After some observations by Mr. Herbert and Mr. Shaw Lefevre, the question was put, and leave was given to bring in the bill, agreeably to Lord Castlereagh's motion; and also (upon another motion by His Lordship) a bill "for the speedy completing "the Militia of Great Britain, and increasing the same under "certain limitations and restrictions."

APPENDIX.

IN reference to the foregoing Speech, it is thought proper to furnish the Reader with a set of Propositions which were moved by MR. WINDHAM, on the 13th of August 1807, and which will serve to shew the success of his military measures, compared with those which preceded them, up to the latest period for which returns could then be procured.

Propositions respecting the State of the Army.

I.—That the effective strength of the army was,

	Regulars.	Militia.	Total.
On the 1st of March 1806,	173,600.	75,182.	248,782.
On the 1st of March 1807,	181,856.	77,211.	259,067.

A reduction having in the mean time taken place, of a local corps of 3000 men and upwards, in the Island of Ceylon.

II.—That the provisions of certain acts of parliament passed during the year 1806, and having in view the better ordering of the army, and the improvement of the condition of non-commissioned officers and soldiers, took effect from the 24th of June in the said year.

III.—That from the 1st of July following, the number of recruits raised for the regular army (exclusive of those raised for foreign and colonial corps, and 650 men for a

regiment commanded by the Honourable Colonel Dillon), was,

In the 1st period of three months, ending on the 1st of Oct. 1806,	2,770	being at the rate per annum of	11,080.
In the 2d period, ending on the 1st of January 1807 - - - - -	3,496		13,934.
In the 3d period, ending on the 1st of April 1807 - - - - -	5,335		21,340.
In the 4th period, ending on the 1st of July 1807 - - - - -	6,078		24,312.

IV.—That on 25th of October 1806, the bounty to recruits was reduced,

For the Cavalry, from £. 13 8s. to £. 8 3s.
For the Infantry - - 16 16 - - 11 11.

V.—That the number of recruits raised for the regular army in Great Britain and Ireland, according to the adjutant-general's returns, was, in the first six months of

	By ordinary Recruiting.	Additional Force.	Total.
1805 - -	6,736.	- - 4,187.	- - 10,923.
1806 - -	4,949.	- - 4,834.	- - 10,783.
1807 - -	11,413.	- - - - -	11,413.

VI.—That, amongst the numbers raised in the first six months of 1805, are included 3,089 raised by officers recruiting for rank.

VII.—That the men raised under the Additional Force act were for home service only, and might be of any height not less than five feet two inches, and of any age between eighteen and forty-five.

VIII.—That in the regular army no man could be received but between the ages of eighteen and thirty, and of a height not less than five feet four inches; the standard for men not entering for general service, but choosing their own regiments, being five feet five inches, and for the guards and cavalry still higher.

IX. — That by recruits raised by ordinary recruiting, are meant men raised either at the head quarters of regiments, or by the recruiting districts late under the superintendance of the inspector-general.

X. — That according to the war-office return of recruits for whom bounty has been drawn as raised at the head quarters of regiments in Great Britain, and the inspector-general's return of the numbers raised by the recruiting districts, the produce of the ordinary recruiting was, during the first six months of

	At Head Quarters of Regiments in Great Britain.	By Recruiting Districts in Great Britain.	By Ditto in Ireland.	Total.
1805	1,470.	2,327.	912.	4,709.
1806	1,084.	1,957.	953.	3,994.
1807	2,536.	6,115.	2,396.	11,047.

XI. — That the number of men who volunteered from limited to unlimited service was, during six months,

Ending 1st July 1805	2,225.
1st Jan. 1806	2,863.
1st July 1806	2,413.
1st Jan. 1807	7,081.

XII. — That the number of men who deserted from the army at home was, during the first six months of

	In Great Britain.	In Ireland.
1805	1 in 202.	1 in 204.
1806	1 in 217.	1 in 235.
1807	1 in 293.	1 in 205.

XIII. — That the number of men who deserted from recruiting districts was, during the first six months of

1805	1 in 10.
1806	1 in 10.
1807	1 in 12.

VACCINE INOCULATION.

July 29, 1807.

THE Chancellor of the Exchequer (Mr. Perceval) in a Committee of the whole House, proposed as a Resolution, "That "a sum not exceeding 10,000*l. be granted to His Majesty to be "paid to Dr. Edward Jenner, as a further reward for pro- "mulgating his discovery of Vaccine Inoculation; by which a "mild and efficacious mode of superseding that dreadful malady "the Small-pox is established; and that the same be issued "without any fee or other reward whatever." Mr. Shaw Lefevre opposed the Resolution. Lord Henry Petty supported it, but observed, that though he should not move any amendment to it, he should have no difficulty in acceding to one for a larger sum. Mr. Morris moved, that, instead of* 10,000*l., the sum of* 20,000*l. should be inserted in the Resolution. Mr. Wilberforce proposed that, instead of this additional* 10,000*l., the sum of* 1,000*l. a year should be given to Dr. Jenner.*

MR. WINDHAM.—In a case where the opinion of the committee appears to be so much made up, I shall certainly not think it right to trouble them at any length, more especially after the clear and forcible manner in which the subject has been already stated and argued. The question is, whether the sum of 20,000l. should be given to Dr. Jenner in addition to

what he has already received, or only 10,000l.; and I am decidedly in favour of the larger sum. There is undoubtedly in every case of this sort a considerable difficulty in settling what should be the precise amount of the reward granted, and this difficulty is not least in those cases, where, as at present, the reward must after all fall infinitely short of the value of the thing received. The principles, indeed, on which a judgment should be formed, are not difficult to be laid down; but they could be only general principles, and such as might still leave great doubt as to the application of them, and the quantum which should be given in each particular instance. The first of these principles, and that in fact which must lay the foundation for all the rest, is that the invention should be real, and should belong to the person who claims to be the author of it. On this point the house could not possibly act with too much caution, especially after the examples which have occurred even in our own time, where rewards have been given to inventions and discoveries, pretending only to be such, and which, if their pretensions had been better, were not the inventions and discoveries of the persons who brought them forward. Till that point in any case should be sufficiently ascertained, it is needless to talk of any other. But that once established, the next enquiry seems to be, as to the utility of the invention supposed: for it can rarely happen that the public will with propriety be called upon to grant rewards for discoveries, which, however curious and ingenious, are not of any value. Each of these conditions are indispensable:

but there may be inventions both real and valuable, which yet are not such as to call for remuneration out of the public purse. If they were the mere effect of accident, if they required for the production of them no genius or talents, or if they were the result of no previous search or endeavour; if, on the other hand, whatever was their origin, they were of a nature to be their own reward by making the fortune of their authors, in each of these cases there is nothing for which any call could be made on the munificence of the public. On one supposition only could such a demand have place, namely, that of an invention, which though useful and valuable, and certain to prove in the end beneficial to its author as well as to the public, could not without the aid of public assistance overcome the difficulties which would for a while oppose themselves to its establishment. I cannot pretend to say that upon this last score the discovery now before the committee is one that calls for the intervention of the house; such is its immense utility, such the sense already entertained of that utility in this country, and such the still deeper impressions, which, I am glad, though somewhat ashamed to say, a sense of that utility has made on the minds of other countries, that there is little danger that vaccination will not make its way, whether the legislature here gives any assistance to it or not. It should not, however, be out of our minds, that even upon this ground the assistance of the legislature would be far from superfluous: but before I say more upon this head, I wish to revert to those other general principles to

which I have alluded, and to see from them both what the necessity of reward is in this case, and how far in the option which the question affords, the committee ought to decide for the larger sum. The reality and the utility of the discovery I consider as being placed out of all doubt: no one will pretend to say, that the world was not about to owe the practice of vaccination to Dr. Jenner. That the preventive property of the vaccine matter has been long known among certain inferior classes in particular districts of this kingdom, was a fact never denied or dissembled: that a solitary instance, or even more than one, of matter being taken from the cow, and applied purposely to the arms, to produce the disease, is, I believe not questioned. The merit of Dr. Jenner was, that he had remarked what others had overlooked; that he had cultivated what others had neglected; that he had pursued an enquiry which others had relinquished or never thought of engaging in; that from a small, unheeded despised fact, he had with great sagacity discovered, and with infinite pains, judgment, and perseverance, developed and brought forth powers which no one had ever thought or dreamt of, which were to fill the world with admiration and gratitude, and to render a service to mankind which was never before supposed to be within the limits of possibility. He who did this was surely entitled *primâ facie* to some reward from his country, if not from all the world. But I wish the house to consider the merits of this invention a little more in detail. Even its magnitude, the point probably on which there would be the

least question, requires some little consideration duly to appreciate it. It is not merely the decrease of danger and suffering on the part of those inoculated with vaccine matter, as compared with those inoculated in the common way, that constitutes the great advantage; it is the singular and invaluable circumstance of no infection being thereby communicated to others; the consequence of which is, that the final end and consummation of this great discovery is nothing less than the total extermination of the small-pox, and the restoring mankind to the state in which they were before this dreadful scourge came upon them, or rather to a still better state, as the means would now exist of freeing them from that pestilence should it ever again return. The common mode of inoculation, while it secures, or nearly secures those to whom it is applied, continues for ever to keep open, if not to enlarge, the source of danger to others; insomuch that calculations have been made to show, that the mortality by the small-pox since the introduction of inoculation has been greater than it was before. It is not to be inferred from thence, as some seem to suppose, that if the facts were true, the world must have been a sufferer by inoculation; the world has gained by the change which it has introduced into the habits of life, and the effect it has had in freeing men from that terror which confined them before to their own homes and neighbourhood, and which operated as a continued check upon intercourse. If the danger was upon the whole as great, they at least had not the same terrors of it; had their fears been the same, and the

same precautions in consequence been observed, the effects of inoculation would have been found possibly in a different shape, that, namely, of a diminution of the deaths. These views of the final good to be produced by the vaccine, and of the consequent rate at which it ought to be prized, depend unquestionably upon the truth of the character ascribed to it, and which will be found in its best, as well as in its most authentic form, in the Report of the Physicians that is before the house. This Report indeed I consider as being all that is necessary to complete conviction. Though it may not be true, that in all cases the opinion of physicians must be received as conclusive on points of medical practice, they may safely be trusted for not assenting too readily to the introduction of what was new, armed as they were, not only by the common feelings of professional jealousy, but by the reasonable distrust which long experience must have taught them, of pretended improvements and discoveries, and here when the physicians are satisfied the house may safely dismiss its doubts. It is not necessary to resort for further satisfaction to the testimonies that are pouring in from all quarters, not only from cities and districts, but from whole nations and countries. The value, therefore, of the discovery as effecting all that was ascribed to it, and as ending in nothing but the total extinction of the small-pox, not to mention the *quantum* of life which it would save in the mean time, I shall consider as proved. With equal confidence may I assume, what no one I presume will dispute, that but for Dr. Jenner

the world would at present have been without that blessing, and might have remained so for a period of which no man can fix the extent. Here then are three of the main conditions necessary in such a question, to an extent far more than was necessary, a discovery of inestimable value, and a discoverer whose claim cannot be disputed, and who owes his discovery not to chance, but to a long perseverance in endeavours, prompted by the most laudable motives, and guided by no common or ordinary powers. It remains to be asked, whether there are not other qualities in addition even to those of genius and industry, which have been manifested by Dr. Jenner in the course of this discovery, and which mark him out as having a peculiar claim for public remuneration; and whether the discovery has been of such a nature, especially in his hands, as to render legislative interference unnecessary by the advantages to the author which it has itself produced. There is no point of the case more applicable than this to the question immediately before the committee, and few that ought more to be brought forward for the author's honour. Dr. Jenner has shewn throughout that he was actuated by motives of far higher consideration than those of regard to his personal interests; though to establish fully the reputation of the practice it was necessary to make it public; though by making it public he lost in a great degree the means of converting it to his own advantage, yet it is not to be doubted, that by a due compromise of these opposite considerations, a man intent only upon his own interest might have contrived to open for many years a source of such profit to himself, as to have

set him much at his ease, in respect to any decision which Parliament might thereafter have taken. Dr. Jenner did no such thing; so far from seeking profit, he sacrificed his time, his money, his prospects in his profession, to the prosecution of his discovery, and never seems to have thought for a moment of himself, while any means remained untried for promoting the great object which he had in view. It was not thus that those persons (the Suttons) proceeded, who introduced into inoculation the last great improvement which it received, and the highest perhaps of which it was capable. They kept their practice concealed to the last moment, and succeeded notwithstanding in obtaining such confidence in their method, in spite of the prejudices excited against them, similar to those now excited against Dr. Jenner, as enabled them severally to make great fortunes, and even to furnish for a time the means of similar profit to others. On what grounds shall it be said, that a similar concealment and similar success was not practicable on the part of Dr. Jenner? In point of fact the attempt was not made: and what is still more directly to the purpose, the object of such an attempt, if it had been made, has not been accomplished. Dr. Jenner is not the richer for his discovery; he is the poorer; and it is a circumstance only of addition, a circumstance, however, of the highest honour to him, and that ought to enter largely into our consideration, that he is the poorer by his own disinterestedness, and by the preference given to public objects over considerations affecting only himself. In these circumstances, what Dr. Jenner

has hitherto received is 10,000l., and the question now is, whether that 10,000l. should be made up to 20,000l. or 30,000l. Twenty thousand or thirty thousand, or the double of either of those sums appear so small and insignificant when placed by the side of such a service as he has rendered, that the proportion between them is wholly lost, and with a view to compensation for the benefit obtained, it seems hardly of consequence whether the one is given or the other. Dr. Jenner's cause seems in danger of suffering by the very greatness of the service which he has rendered. The utmost that can be done is so inadequate, that it becomes almost a matter of doubt whether it is worth while that any thing should be done at all. We must recur in this difficulty to the great principle by which the whole is governed, and which, by tracing the reasons why any thing at all should be given, may furnish to the house the best assistance that can be had for settling their opinions as to the amount of the sum. Rewards, like punishments, are for the sake of example; and can be regulated by nothing but by a view of the consequences they are to produce on the general interests of society. By the reward given in any instance, a rate of bounty is laid down, as far as that instance operates, for the encouragement of similar exertions in future; and what rate should we establish, and what encouragement hold out, if a service, such as the present, the greatest possibly that by any single act, or by any single person was ever conferred upon mankind, and displaying in the course of it qualities the most

valuable, and conduct the most meritorious, should receive from a country like this no greater reward than a sum of 20,000l.? I will not proceed to enquire whether the same might not be said of 30,000l., but will confine myself to the question as it stands before the committee, where the only point for determination is the option between the two sums. It will hardly be said, that on the principles here laid down, talents and genius are no fit subjects of reward; for these are qualities which encouragement would not alter; they are the gifts of nature. Of the genius and talents by which the world is benefitted, how large is the portion which is not the gift of nature, but the effect of pains and cultivation? The application at least must always be voluntary, and cannot therefore be considered among those things on which reward and encouragement can have no influence. Let a reward be given to Dr. Jenner for his disinterestedness only, for the sacrifices which he has made, and it will not be found that a less sum should be given him, than the highest of those which are now asked. This is a limit afforded by the case itself. We cannot give to Dr. Jenner, for the most valuable discovery ever made, less than would be sufficient to indemnify him for expences actually incurred, and profits actually sacrificed. A sum not less considerable must be awarded him, if we should take as our criterion not the reason of the thing, but what has been the practice of the house on similar occasions. Does the discovery for which 30,000l. is now asked, exceed no more the value of discoveries for which sums of 5,000l. and 10,000l. have

been granted, than in the proportion respectively of those sums. If our own authority as derived from former instances is not sufficient, let us take for our guide the feelings and opinions of foreign nations as to the magnitude of the discovery, and the gratitude due to the author. Could we bear to have it said, that England, the country which gave birth to this invention; England, where from the general diffusion of knowledge, and high cultivation of medical science, its merits might be expected to be best understood, and most truly appreciated, should notwithstanding be the country, which in proportion to its means, to its general practice, and to the peculiar call made upon it, was the least disposed to mark its sense of the value of the invention by a liberal or competent reward to the author? The feelings and opinions of foreign nations are not merely a means of showing what is right, but do of themselves, in a case of this sort, constitute a motive of conduct, and may make that right which was not so before. It may be right in certain cases that England should do what others think she ought to do; that she should never fall below the opinion which the world has formed of her. The fame which the country has acquired as that in which publickly or privately useful inventions are most sure to find their reward, has had no small share in producing those which arose among ourselves, and of attracting those which originated in other places. The very pride of the country on this head ought not to be lightly regarded; but on a larger view its interests are also concerned. One further consideration ought not to be omitted, arising

in part out of circumstances which I have already touched upon, but operating in a manner still more pointed and direct. It is the impression likely to be made on the public mind of this country, by the greater or less reward which parliament may think it right to give, as indicating the opinion of parliament on the value of the discovery and the certainty of its principles, and the effect thereby to be produced in fortifying or counteracting those ignorant prejudices and wicked arts by which, so little to our credit, the progress of the invention has been hitherto obstructed. The house knows what are the means which have been employed for that purpose, and that there are men in this country, happily not of the greatest authority, who do not think it repugnant to their duty nor find it beneath their character, to try to prevent, or rather to obstruct and delay the adoption of this practice, by turning against it the passions and prejudices of those, who have nothing but passsion and prejudice to guide them, or who must be considered at least as wholly incapable of forming upon the subject any sound judgment of their own. It is in vain to say that the arts of such persons can produce but little effect. Finally, no doubt, they cannot prevent the establishment of a system confirmed continually by fact and experience, and sanctioned by all that is intelligent and respectable; but in the mean while there are the vulgar and the ignorant, among whom arguments such as they use, are far more than a match for all that can be produced by men who employ for the support of their cause no arms but those of truth and reason. Persons to whom

these would apply on a subject like the present, form, it must be remembered, but a small portion of the whole mass of the community, and to what period must the hope be removed of seeing the final extinction of the disorder, if four-fifths, perhaps, of the population of the country, are made to resist the progress of vaccination, and to remain as a fund for perpetuating and propagating infection? Whatever tends to shorten the duration of such a state of things, must be an object of great importance; and what is more likely to counteract the pernicious influence of the practices here spoken of, than the authority of parliament, manifesting by the amount of the reward, the soundness of the practice, and of the blessings which it is calculated to dispense. Should it be said that in this view the difference between the sums proposed could do but little, let it be remembered that in the scale of national expenditure the difference between the sums is but little; and no country need fear being impoverished by the liberality of its rewards for discoveries such as the present. It would be happy for the country and for the world, should the demands for such exertions of national gratitude and munificence, be more numerous and more frequent. In every point of view in which I can consider the subject, I cannot hesitate in declaring in favour of the larger sum. My own opinion in fact is, that a sum still larger would be more suitable to the character of the country, and more conformable to the principles which ought to govern the conduct of countries upon such occasions.

The Chancellor of the Exchequer again spoke in favour of the sum originally proposed. Mr. W. Smith, Mr. Whitbread, and Mr. G. H. Rose supported Mr. Morris's Amendment. The question was then put that the words "twenty thousand" do stand as a part of the Resolution, when the Committee divided,

Ayes - - -	60
Noes - - -	47
Majority in favour of the larger sum	13

The Resolution accordingly passed in its amended shape.

N. B. The above speech was corrected by Mr. Windham at the request of Mr. Murray, Secretary to the National Vaccine Institution, for the purpose of being inserted in the "Debates on Parliament respecting the Jennerian Controversy." See the concluding page of the Second Volume.

THANKS TO THE ARMY EMPLOYED AT COPENHAGEN.

January 28, 1808.

LORD CASTLEREAGH (*Secretary of State for the War Department*) *moved*, "*That the thanks of the House be given to* "*Lieutenant-General the Right Honourable Lord Viscount* "*Cathcart, Knight of the most ancient Order of the Thistle,* "*Commander of His Majesty's forces in the North of Europe,* "*for his judicious and decisive measures, which, after exhaust-* "*ing every means of negociation, were employed by him for* "*effectuating the surrender of the Danish Navy and Arsenal of* "*Copenhagen.*" *The Resolution being read from the Chair,*

MR. WINDHAM, notwithstanding the distinction taken by the Noble Lord, felt himself under the disagreeable necessity of opposing the present motion; and if such had been his opinion before, certainly nothing that had been said by the Noble Lord could have the effect of altering his determination. It was unpleasant to object to a motion of this kind, because the party principally interested was brought before the house by no fault of its own. It was unpleasant to object to what was asked in their name, though not by them. It was unpleasant also, because there was

an idea that where praise was withheld there was an intention to cast blame. Certainly, here there was no room for any such construction as that, for he subscribed most heartily and chearfully to all that had been said of the meritorious conduct of the army and navy in all that had been done; they had done all that men ought to do. The moderation and temper with which they had conducted themselves, served to mitigate the harshness of the enterprise on which they were employed.

It was certainly right to keep the merits of the army and navy distinct from the merits or demerits of ministers; and to separate the consideration of the orders from that of the execution. But it was not so easy to separate and keep distinct the nature and character of the service. The nature of the service was always one of the indispensable rules by which public gratitude was measured. In all military annals, there were instances of as great personal merit in the minutest actions, as in operations on the largest scale; in single ships, in luggers and schooners, in packets even, as there was lately a brilliant example, above all, in actions of boats. In all these cases there was as much courage, as much zeal, as much heroism, as much true contempt of death as in the engagements of great fleets and armies; yet these cases were not considered of sufficient magnitude to call for the thanks of parliament. It was also beyond a question, that there was greater merit in effecting a judicious retreat before a superior enemy, than in hazarding a battle under every prospect of defeat. The sanction

of the approbation of parliament would be particularly called for in such a case to rescue merit from ignorant censure. Success was no criterion in point of justice, but in point of practice it was; and it was only as the emanation of national exultation, upon great success and great public service, that the thanks of parliament ought properly to be regarded. We should be able to say, 'this is a subject on which every heart gives a loose to joy; this is the expression of the general feeling, and the triumph is made manifest by the grateful acknowledgments of the legislature.' But who could say that the present was a case in which every heart exulted? This was not a case similar to that in which British troops had conquered the conquerors of the world; where those who had assumed the title of invincible were met without any advantage of numbers, man to man, and yielded to the superiority of British prowess. That, indeed, was a triumph on which every British bosom exulted; that was a triumph worth fifty navies of Denmark. But this was not the feeling on which His Majesty's ministers acted, any more than those self-erected tribunals, formed probably at first upon good intentions, but threatening to become in the end a most serious mischief to the country,—who while they think but little of Battles of Maida, the sources only of national glory, know no bounds to their exultation on any measures which promise to open a source of commercial speculation; who set themselves up, not merely as the rivals, but as the opponents, of the King's tribunals; who acquit where those condemn;

who cry up to the skies those whom the others have pronounced to be offenders; who set at nought the rules by which His Majesty means his service to be governed; who teach an officer to say, 'no matter 'what my profession thinks or what the King's courts 'decide, I have other resources to trust to, I have 'other cards in hand; 'King loses, Knave wins;' 'If I am a culprit at Portsmouth, I may still be what 'is much better, a hero at Lloyd's.'

The Noble Lord was, no doubt, thoroughly satisfied of the general exultation of the country, at the success of the expedition; but the pain he afterwards expressed himself to have felt arrested his assertion, and did more justice to his disposition and principles. If pain was to make part of the sensations excited, the joy could not be very complete. It was not in fact, nor ought to be, that unmixed effusion which we witness in the country on any of those occasions which really and truly, and as it were by acclamation, call forth the thanks of this house, but that sort of sober, chastised, subdued joy, if joy was to be felt at all, which a father would feel on hearing that his son's life was safe, but saved by an operation which was to leave him a sufferer and a cripple all the rest of his days. It was not in this state of mind, nor for successes of this description, that a nation indulged in public rejoicings, or poured forth its acknowledgments to those by whom these successes had been obtained, however meritorious, individually, their conduct might have been. National thanks implied national rejoicing; and national rejoicing did not belong

to the present occasion. It was on this principle that he heard with pain and disgust the firing of the Park and Tower guns, on the day when the news arrived. It was a call for exultation on an occasion, where sorrow for the necessity of using force, and sympathy for the sufferings brought upon the Danes, was in the mouths of His Majesty's ministers, and in the hearts of the British people. It was not merely a want of propriety that was to be complained of in such an injudicious demonstration, but want of policy, as we might yet have to suffer a severe penalty from the wrath of an exasperated people.

However strikingly meritorious, therefore, the conduct of the army and navy might have been, they must have been content, on this as on so many other occasions, to remain without the last and highest reward, the thanks of this house. If neither the practice nor policy of the country would admit of such reward being given in the present instance, if according to the practice, generally, if not invariably observed, such an expression of the public gratitude would imply sentiments, which the country neither did nor ought to feel, and which it would be in the highest degree injurious both to its character and to its interests, to be supposed to feel, the army and navy could not complain, though a reward was withheld, which they themselves must be conscious of having equally deserved, as far as their own merit was concerned, in a thousand instances where yet it was never at all in their contemplation. All this supposed the service to be of as high a character as he

had been hitherto willing to take for granted; but he was prepared to go the length of saying, that as a mere military and naval proceeding, the service was not one entitled to the thanks of the house. The army and navy did all they could; but what was done did not deserve the thanks of the house.

The Noble Lord was checked at times in the merit he was dealing out to the army and navy, lest he should take too much from himself and his colleagues; on the other hand, he did not well know how to praise himself and them, without cutting up the foundation of what he was to say of the two services. He was at a loss whether to take it in meal or in malt. Then the Noble Lord seemed to think the glory belonged to the transport and victualling boards, and thus while these boards did the service the army and navy were thanked. The fitting out and bringing away ships was certainly a service, but it was a service of labour, such as might be performed at Portsmouth or Plymouth, as well as at Copenhagen. At this rate, public thanks and rewards might be given at one end of an expedition as well as at the other, at the out-fit not less than at the conclusion. Yet he had never heard of a commissioner of a dock-yard who had been made a peer; nor of a master attendant who had a red ribband. In other cases, the titles of the honoured commanders had been taken from the scene of action; such were the titles of Earl St. Vincent, Lord Nelson of the Nile, and Lord Duncan of Camperdown. Was a similar reference to be made in the case in question, the title might perhaps be appro-

priate enough, Copenhagen seeming to signify, according to its etymology, "the harbour of merchants and traders," but he did not conceive that any one would be much disposed to contend, that the assumption would be very desirable in the present instance. A yet stronger criterion was the omission of what had been usual on all occasions to which this pretended to be similar, the striking a medal to commemorate the service. In the name of ridicule and common sense, what would have been the emblems that such a medal must have contained? Instead of masts falling, ships exploding, actions yard-arm and yard-arm, we must have had nothing but men employed in rolling tar barrels, or working cranes, packages of hemp, lighters and wherries with spars in tow; a scene, in short, for Tower wharf or the West India docks.

The Noble Lord had said, it had not been judged prudent to bring the British fleet to act against the batteries of Copenhagen, and that was the reason why the ships were not more actively employed; then came the commissioners of victualling, then the extraordinary preparation to prevent the Danes from being prepared to meet us with adequate resistance, then the great amount of the Danish preparations, and then the merit of the Transport Board. Thus, what the Noble Lord gave with one hand he took away with the other. Government sent a force sufficient to render resistance unavailing; and in this principle they were right; then came the difficulties to be conquered and the resistance which it was such a merit to have overcome. Then the Noble Lord said a force

had been collected which was sufficient to render success difficult and doubtful, and this laid the foundation for a compliment to the skill of the commander. It was not to be doubted, that the zeal of the Danish inhabitants led them to do every thing that could be expected from them: but they were not a force of such a description, as an officer bred to regular warfare could take credit to himself for having overcome. He thought it a thing to be deprecated that in the midst of the services every day passing, any glory should be taken from the reduction of Copenhagen. The fact was, the city was reduced by the distress brought on it by the bombardment. He did not condemn the bombardment as a means of reducing the town, if the town was to be reduced, but he did not think it a foundation on which to build a structure of glory.

On these grounds, considering the question as entirely distinct from the conduct of His Majesty's ministers, he did not think the service deserving the thanks of the house. To bestow such a reward where it was not deserved, was to undervalue and degrade the reward itself. It would have the effect of diminishing the estimation of it, where it had been already given, and to sink the ambition to seek it in future. He again lamented the marks of exultation so improperly displayed, by way of contrast, he supposed, to the actual sorrow that prevailed. He also lamented, however high his personal respect for the individuals, the grant of the peerage to Lord Cathcart and Lord Gambier. He had the pleasure of knowing and

living in some degree on terms of friendly intercourse with both, and had a high esteem for their characters, both in their profession and out of it. Lord Cathcart was a soldier, the son of a soldier, and the father of soldiers, and had served meritoriously in the army ever since the American war; and Lord Gambier, though but little employed for many years in active service at sea, was remembered as a sharer in the memorable victory of Lord Howe on the first of June, and as having contrived to distinguish himself, so far as a single captain could, in that distinguished action. Still he thought the services performed by them on this occasion did not warrant that exertion of the prerogative in their favour, and he highly blamed His Majesty's ministers for advising their Sovereign to grant these honours, and for proposing these thanks. If any thing should be kept distinct from party feeling, it was the granting of these naval and military rewards, without any other motive than the consideration of mere military merit. Would the honours bestowed on these officers acquit the Noble Lord of the censure that would attach to the nature of the expedition? Would it not rather be concluded, that being granted with that view, they only served to aggravate the greater and weightier offence which had been already committed? This sort of grant was an instance of the worst species of ministerial corruption, in as much as it went to the destruction of that fund of honorary rewards, in which the poorest man in the country, if the case were properly explained to him, or even without any explanation, on the pure impulse

of feeling, would be sensible that his interest was more materially involved and affected, than in the most wasteful expenditure of the produce of the taxes. A pension, if unworthily bestowed on one, would remain a recompence of no less value for another; but a title of honour, or a vote of thanks, would sink in value, both as to the past and the future, upon every misapplication that the granting of either was subjected to.

The house was now called upon by lavishing rewards to cast a false lustre on an act of doubtful justice and policy; it was hoped that this vote would have an effect, not unlike in its principle, though opposite in its operation, to those forfeitures of honours, and apparently increased severity in punishment, which, in former times, were devised to cast an additional horror on crimes. But the nature of the stratagem would be canvassed and exposed, and the public would join him in thinking such distinction a shame rather than an honour. It would be like the case of a worthy baronet (Sir Brook Watson), late a member of that house, who having to go in the city-pageant on Lord Mayor's day, and being asked what he intended to do with his wooden leg, answered, with great good humour, that he meant to gild it. While there seemed, in fact, a sort of propriety, that in the midst of so much splendour nothing so plain should appear as an ordinary wooden leg, it would on the other hand have been supremely ludicrous, to set off ostentatiously what it must be wished to conceal, to decorate a defect, to attract attention and notice to

what could be regarded only with regret and pain. This was exactly, however, what His Majesty's ministers were doing? They were gilding their wooden leg, and exposing it to public mockery, by endeavouring to get a false honour for themselves, at the expence of the honourable commanders. The service performed was not such as to merit the honour or the thanks: and therefore, he, acting on the same principle on which he declined moving a vote of thanks for the capture of the Cape of Good Hope, protested against the misapplication of a most sacred trust, which ought never to be exercised without the greatest circumspection, and which would be soon destroyed if exercised inconsiderately or improperly.

After a short debate, the House divided, when there appeared,

For the Vote of Thanks	100
Against it	19
Majority	81

COPENHAGEN EXPEDITION.

February 3, 1808.

MR. PONSONBY *moved*, "*That an humble Address be* "*presented to His Majesty, praying that he would be graciously* "*pleased to give directions that there be laid before the House the* "*substance and dates of all information transmitted by His* "*Majesty's Minister at the Court of Copenhagen, during the* "*last year, respecting the Naval Force of Denmark; and par-* "*ticularly respecting any measures taken for augmenting the* "*same, or putting it in a state of better preparation, or for col-* "*lecting seamen for the purpose of manning the same or any* "*part thereof.*" *Mr. Secretary Canning replied to Mr. Ponsonby, upon which*

MR. WINDHAM rose to make some observations on the speech of the Right Honourable Secretary. He was astonished beyond measure at some parts of that speech; even though he did not mean to deny to it in general that sort of merit — the only species it could pretend to — which was necessary to cover a total want of just inference or correct statement. The Right Honourable Secretary had alluded to certain transactions of the late administration. He said, *you* sent a fleet to Portugal to prevent the Portuguese navy from falling into the hands of the French, and *we*

sent a fleet to the Sound to prevent the Danish fleet from being appropriated to the same service. The fact was so. But the difference was, that we, having it equally in our power, did not persist in the intention, and that they did. This the Right Honourable Gentleman called a failure. A failure with him was, a refusal to do, what, however easy in the execution, you did not consider as right; and an inconsistency was, the blaming others for doing that, which, in precisely similar circumstances, you had refused to do yourselves. *We* had heard of the designs of France on the fleet of Portugal, just as the Honourable Gentleman had of her designs on the fleet of Copenhagen. We had it moreover on the declaration of Buonaparté himself, who was pretty apt to keep his word in these matters. But as we were fully determined not to proceed to an extremity of this sort, but upon the clearest as well as most certain necessity, we confined ourselves, in the first instance, to measures of proper precaution; and, the necessity not appearing, withdrew from the intention altogether. — But would there have been no difference in the measures themselves? Besides that the presumption of danger was greater from a French army at Bayonne than from the French army in Holstein, there was a difference between the two measures that was vital. The Right Honourable Gentleman, therefore, had no reason to exult in a comparison which made against him, and he might address him in the words of the poet —

" Can nothing but thine own reproach,
" Serve for a motto for thy coach?"

The Portuguese fleet was not to have been seized by Earl St. Vincent, till Portugal had refused our assistance to defend her territory; till advices should have been received of the actual entrance of a French army into Portugal, and till it should be manifest to all the world, and particularly to the Portuguese themselves, that if we did not take possession of the ships, they would be seized by France.

He allowed that the collusion of the neutral state, or the inability to resist apprehended force, was a sufficient reason for securing the means of that neutral from the grasp of the enemy. But the necessity should be evident. Because the necessity was not evident, the late ministers had not acted at Lisbon. The necessity was as little evident when the present ministers acted at Copenhagen. The new system of morality was, it seemed, to be acted upon by His Majesty's ministers in every instance, not only in their public acts and papers, but in their statements in that house. The scholars of the old school stated as fact, only what they knew to be true. The present ministers stated, as fact, not only what they knew to be false, but what they knew must be stated and proved to be so in five minutes after their assertion.

The Right Honourable Gentleman had asked in very big terms, why those who attacked Alexandria and Constantinople opposed the expedition to Copenhagen? But he should ask, who attacked a neutral and unoffending nation? Now, had the Right Honourable Gentleman adhered to fact, he would have been deprived of nine-tenths of his argument. The

troops that were to go to Egypt from Sicily were to wait for orders from Constantinople, announcing to them the commencement of hostilities, before they made any hostile attack. It might be part of the new morality to make statements of this inconsiderate kind. He might go to the long and lively speech he had heard, in which the Right Honourable Gentleman had travelled over so much ground without coming to the point, amusing himself in his progress with accusations that were unfounded, and epigrams that were nothing to the purpose; but if the matter were considered, his three hours might be well reduced to a quarter of an hour, and his immense folio to a *decimo sexto*. But, after all the graces of motion and gesture, and all the extreme labour in the storm, the sort of beating against a head-sea to prove the necessity of his case, unfortunately for him, the Right Honourable Gentleman's arguments would not tell against the matter of fact. He said, and so might he, that France intended to get the Danish navy; but still the argument was not satisfactory. All he attempted to prove against Denmark was a terror of Buonaparté — that which many great powers had felt, and did yet feel. But he could not say the Crown Prince would have been a willing sacrifice; that he wished to shut his ports, or was disposed to give his fleet to France. The construction to be put on his conduct was the contrary. He did what he could, and was with his army in Holstein; and was there up to the period of our expedition.

The Right Honourable Gentleman had argued this point at some length, and then came to the supposition that he might have submitted to France, though we see no good reason why he might not have defended his independence, and have died in the last dyke, and found Danes to die with him in their country's defence. Well; but if he had submitted? To that he had one general answer: better let Buonaparté take the fleet than we. Even if he had a greater certainty of that matter, he should say so still. Let them go. Had we taken the Portuguese fleet, it would not have been, under the same circumstances, and the transaction must have assumed a very different character. But Gentlemen opposite could not understand this sort of principle. No wonder; because they seemed to have no feeling for national honour, nor regard for the rights and laws of nations. If the late ministers had taken the fleet at Lisbon, we should have lost no honour. Yet he (Mr. W.), though acting in the cabinet at that time, never acceded to any measure with more doubt and reluctance than he did, even to that, guarded as it was.

He again declared that he would sooner have seen the Danish fleet in Buonaparté's hands than in ours, under all the circumstances in which we had seized upon it. He then entered into the question of right, and contended that we had none, except on a presumption that would justify us in the seizure of any neutral whatsoever. Then, what was the policy? But we must discuss the right, and then go to the policy as a separate ground of argument. The right

in this case blended itself with the policy, since in fact necessity was only a superior ground of policy. Now, in this case, there was no right distinct from policy. If collusion could be made out, if it could be proved that Denmark only wore a mask, then a belligerent would be able to manifest and establish a right. But the question stood upon an expediency, amounting, as it certainly must, to a necessity, and we must try that question before a jury of the country. Was it politic to a degree of necessity? The character of this important transaction must stand upon its necessity. What was that necessity, that could justify our government in inflicting upon the Danes such severe calamities — the destruction of a great part of their city — the loss of so many lives of unoffending individuals, of all descriptions — the variety and pressure of miseries? If it did not stand on necessity, how criminal was it to violate the law of nations, and to commit such offences against the whole civilized world? What was it but an attack on the whole code of rules, laws, and usages, by which the civilized world was governed — a code adverse indeed, often, to the interests of powerful and ambitious states, but therefore the more necessary to be maintained with as strict an adherence as possible — the defence and the only defence of the feeble against the powerful (often infringed upon, it was true), but, upon the whole, greatly conducive to the interests and to the happiness of mankind at large. It was peculiarly becoming this country to hold it sacred. Before we proceeded to this desperate step, could we prove

our right upon necessity? Think of our re[illegible]n. As far as reputation was concerned, and that was a great matter, reputation was all in all, and that depended on what people would think and say of us all over Europe. So great was reputation, that we had better, in a view of policy, do the worst thing in the world, than the best, if appearances would be in our favour: though he was no advocate for such morals. The law of nations existed, however, upon the agreement of common sense, and the approbation of a general wisdom and general feeling. It was a joint stock concern for the benefit of all. Its support was a sort of voluntary contribution from all nations. When a great nation like this acted contrary to it, it acted under the awful, the ten-fold responsibility of acting for its own selfish interests against the feelings and the interests of all mankind.

He was convinced that all discerning people must see that at the best we had acted on doubtful grounds: he should rather say on none at all. Ministers had now abandoned the pretext of the secret articles of Tilsit. He was very sorry to go farther, and to say that he could not give that degree of credit to our official and public declarations which he was wont to do, and which he earnestly desired to do. But this he supposed was the consequence of our new morality. This was a fair sample of the new mode of fighting Buonaparté with his own weapons. Did this tell any thing in our favour for violating a neutral nation? The question of policy involved the right, and on necessity alone the question must rest.

Other arguments were used; so low and so mean, but unfortunately so successful, as to gain the favour of the small vulgar, and the great vulgar. It was interest. The principle of action was fear; not arising from prudence, fore-thought, and self-possession: not from the notion of him who braves a present danger, to avoid a future and contingent one. When he mentioned the poor fleeting transitory gain, he was sharply told that it was not the actual value of the acquisition; but the probability of its being turned against us for our destruction next season. What! should we be told that we were to give ourselves up to hatred, and dishonour, and reproach, in perpetuity, for the sake of avoiding the comparatively little contingencies of the next summer? These dangers would continue, or be partially lulled, till new dangers ripened and burst upon us. The routine of affairs might seem to go on as before, but not so the policy; not so the character of the country! What shall we think when we find that we have created the hatred of nations for generations to come, who will constantly remember our misdeeds when they behold the monuments of our ravages — when they point at the sad memorials of their destruction — when they see the remains of their public edifices; of that beautiful church, which was the pride of their capital, an awful ruin — when the recollection of our bombardment was rendered perpetual by the melancholy sentiment inspired by the eternity of the tomb? The church might fall, but the ruins would remain, to be viewed by all the inhabitants, and to be exhibited by them as

a spectacle to travellers and navigators, for their execration of those who committed the ravage, their scorn of their proffered alliance, and their pity for the unfortunate sufferers! A patriotic Dane might leave his money, not to build, but to keep in repair the ruins we had made—to excite a recollection of the transaction, and the abhorrence of this country for the injury done to Denmark by its government.

In this policy he feared we had been playing a losing game. If it was illiberal, low, and degrading; what could be said in its justification? Some might be enamoured of it by the love of plunder, and some might weakly cry out, 'O! give us safety, give us safety, at all events!' The value of our gain would be soon gone; but our loss, he feared, was perpetual: time would teach some of the young members of this house, by her awful lessons, the importance of justice, and the punishments that awaited its violation. He would recommend to them to recollect the lines they had read in their spelling-books, which were homely, but well calculated to shew the value of experience,

> "When house and land are gone and spent,
> "Then learning is most excellent."

When experience and reflection shall have taught them the bad effects of injustice, they would, perhaps, recollect the Gentleman to whom they are indebted for the hard lessons they are to be taught. He was amazed to hear the acclamations with which the declaration had been received, and shocked by the loud support given to the Right Honourable Gentle-

man by his friends for the act he had justified and assumed merit to himself for performing. There was, in the estimation of some, a sort of spirit and genius in going out of the usual track, and in breaking through all those rules which were established and recognised, because they were materially useful to the world. He recollected a sentiment in the letters of Junius that was somewhat applicable: 'Good faith and folly had been so long in opposition, that the reverse was now in fashion; and the man without principle was considered as a man of ability.' There was no victory so easy, as a victory over morality. It was open to every invader. It made little or no resistance. Obligations and restrictions were as easy to oppose as air to those who were resolved to encounter them. But he feared the power of their reaction upon the long run. Generally, the authors might escape, nobody knew how, or perhaps enquired where: but the country might be lost. What they called a noble sally of adventurous minds might cost others tears of blood. Such systems he detested. He never could endure that shocking, disgraceful, Spanish war, with all its plunder: the ships were known to be at sea richly laden, and we attacked them for the plunder. He would grant that we had got an abundance of dollars; but the consequences might come years afterwards; and the misfortune was, that people did not always trace them back to their true causes. How did we know that the present degraded state of Spain was not owing to that piratical transaction?

The Right Honourable Secretary had vapoured and bragged of what he had done, and some others had been found to add their boastings. They talked flippantly about former losses — battles of Jena and Friedland; and mentioned recent exploits, such as that of Copenhagen! This was all very pretty; but we were suffering the shame. He had, indeed, hoped, that the character of this country would have been maintained for strict adherence to justice, and that it might be always said with truth —

"Semper honos nomenque tuum laudesque manebunt."

Though the name may remain to us, and great power too, yet we may have lost our reputation, our honour, and our glory. These may be gone; and we may become by such councils 'a reproach and a bye-word to the nations.' Buonaparté might say to the nations of Europe, "I have been loudly and incessantly accused. But who did this? It is England, the preacher up of public law, and public morals and social order? See what morality has done!" Foreign nations might answer, "Is that indeed England, who valued herself upon her character?" Why, "old Cato is as great a rogue as you." He wanted to hear from some of the learned doctors and sages of the law on the other side of the house — our wise men who had studied long and deeply, and had preached, expounded, and enforced the general duties of law and public morals; — he wanted to hear from them, whether all that had been hitherto received and acknowledged was to be considered as foolishness. He should like to know

what they thought of the new doctrines of their associates. Were they prepared, like Prospero in the play, to break their wands, to throw off their wigs and gowns, and to bury their books? or were they prepared to follow the example of the lady, so much talked of a few years ago, who threw away her camphor bag, and exclaimed, "Adieu, virtue! welcome pleasure!" He wanted to hear them deliver their opinions in this house on a subject of such great and paramount importance.

The Right Honourable Gentleman then proceeded in his argument to shew that no honourable acquittal could be given to ministers for the seizure of the Danish fleet, without fuller information, and that it was not a want of information, but something worse, that he chiefly complained of. He condemned severely the conduct of the Right Honourable Secretary of State in withholding that sort of information which the house ought to have, and which was absolutely necessary. He never knew the house so contumaciously treated. Ministers put criminal intentions into their bill, but they could not and would not stand to that charge, neither could they charge collusion. He again condemned the expedition to Copenhagen, as a war of plunder, and declared, that the only way left for him, in his individual capacity to act, towards wiping out the stain inflicted on the country, was to avow publicly, his sincere and pointed condemnation, and to express his heart-felt regret, at the measure that night under consideration.

The motion was opposed by Mr. Milnes, Lord Palmerston, Mr. Morris, Mr. Lyttleton, Lord G. L. Gower, and Lord Castlereagh; and supported by Mr. Bathurst, Mr. Whitbread and Mr. T. Grenville. Upon the House dividing, the numbers appeared to be,

For Mr. Ponsonby's motion - -	108
Against it - - - -	253
Majority - -	145

LOCAL MILITIA.

April 12, 1808.

LORD CASTLEREAGH, Secretary of State for the War Department, stated to the House his plan for raising by ballot a Local Militia, to commence with a force of 60,000 *men, and be increased as the Volunteers should diminish. This force, he proposed, should be embodied* 21 *days in the year (afterwards increased to* 28 *days); the men to engage for four year's service, and not to be debarred from enlisting in the Regular Army or Regular Militia. He concluded by moving for leave to bring in a Bill to make better Provision for the internal Defence of the Kingdom. Mr. Yorke expressed his approbation of the principal features of the plan.*

MR. WINDHAM rose to offer a few remarks upon the plan of the Noble Lord, but he could not help previously making one observation upon what had just fallen from the Right Honourable Gentleman who spoke last. The Right Honourable Gentleman had expressed a hope, that the time was now arrived in which a permanent system would be adopted for the defence of the country. Why this hope should be entertained by the Right Honourable Gentleman now, rather than at any former time, he was at a loss to conceive, and it appeared to him rather curious that such a hope

should be entertained by those who were now breaking up the system already established. It was as absurd as a call for unanimity would be at the very moment when matter of contention and dispute was brought forward. The question was, what it was upon which they were to settle? The Right Honourable Gentleman certainly could not expect, that he should agree to a system which went to subvert another which he wished to see permanent.

As to the grand plan of the Noble Lord, this was not the proper time for discussing it. He called it a grand plan, because grand it certainly was, when he considered the persons from whom it came, the mighty preparations which had been made for its introduction, that it was full of complexity and involution, of ingenious and intricate machinery, of springs of various powers, and of wheels within wheels, or, to borrow an expression from the Critic, that it was replete with business, incident, and bustle, and likely to keep the reader in suspence to the very last scene of the last act. Without, however, at present, entering into the details of the measure, which certainly did not conform to the rule, *quod potest fieri per pauciora, non debet fieri per plura*, he would merely say a few words upon it in relation to the object which it was meant to accomplish. In all plans of this sort there was a unity of purpose, and that which the present had in view was to promote the supply of the regular army, and to guard against a danger peculiar to the days in which we live, — the defence of the country against the invasion of a foreign enemy. The difficulty of ac-

complishing the first part of this object, he contended had been very much increased by the Noble Lord, because the measures which had been adopted for the purpose of attaining it, and which bade fair for attaining the purpose for which they had been been adopted, had been completely frustrated in their operation by the Noble Lord. The Noble Lord had set out with defeating the measure of inlisting men for a limited period, and now he was about to introduce a bill for the purpose of destroying the Training act. The Noble Lord had talked in his speech as if he (Mr. Windham) had placed great virtue in the Training act; but he would tell the Noble Lord, that he never had expected much from it in the way of training, though he certainly had expected a good deal from it in the way of enrollment. If the object of the Noble Lord was to train a certain number of men for the military service, a question immediately arose, how much training he would purchase by a sacrifice of convenience, for in the same proportion as he added to the one he necessarily took from the other. All, then, he could accuse him of was, of having taken the major compromise between the two; and if that was the case, it was not too late to correct the error into which he had fallen. Instead of this, however, (said Mr. Windham), in order to deliver you from this raw-head and bloody-bones, for such he seems to consider the Training act, he grafts upon it powers of greater severity, and is about to do now what would have been done under it only in the last extremity.

If the Noble Lord imagined that his plan could be carried into execution without much inconvenience, considerable expence, and great prejudice to the morals of those who were to be embodied under its provisions, he was very much mistaken. And if he did not choose to defer to his opinion upon the subject, he requested that he would consult any serious judicious magistrate; who would not only confirm what he had now stated as the probable effect of the present measure, but would likewise tell him, that the evil resulting to the morals of the volunteers by withdrawing them from their homes, and assembling them in large towns, was a strong objection to their being called out on permanent duty.

The Noble Lord had also stated his conviction, that the volunteers would have consented to all the regulations with which he meant to accompany his present measure, if those regulations had been proposed to them when they first offered their services to the public; and this conviction he founded upon the zeal and alacrity which they displayed in the performance of that duty which they had voluntarily imposed upon themselves. But, it surely might have occurred to the Noble Lord, that there was a wide difference between performing a voluntary and a compulsory engagement. He would advise the Noble Lord at all events to adhere at least to the spirit of the Training act, and to give them more training, if he thought that to be necessary. But, the great advantage which the Noble Lord seemed to imagine the present measure possessed over the other was, that by the present

measure he would have regimented men, whereas, by the other, they would not be regimented. The difference as to qualifying them for actual service, was really not worth talking about. In neither case could the men be at all fit for acting in concert with the regular army, and with a view to their being drafted into the army as recruits, they would learn so much of the military exercise under the Training act, such as knowing their right hand from their left, how to handle a musket, and to fire with powder and ball, as to enable them to become effective soldiers in as short a time as they would do under the system of the Noble Lord.

The Noble Lord had talked a great deal of the volunteer force, and he (Mr. Windham) was disposed to give them every degree of credit for the purity of their motives, for zeal and good intentions; but it was quite childish to consider these corps as fit to act along with the regular force. Would an officer, he asked, employ one of these corps to cover his flank, or to maintain an important post? It might be as well contended that a frigate might be placed in the same line of battle with a first rate.

The Right Honourable Gentleman vindicated his military system from the reflections thrown upon it by the Noble Lord, contending that it had procured more men to the army, during the time that it was in force, than the old system of recruiting, and that the advantages of which it was productive would have been more and more felt every year, if its operation had not been disturbed. The great motive for all the

freaks and whims and complicated machinery, of which they had now a sample before them, he declared to be a taste, an appetite, a passion, a rage, for getting soldiers for life. This was the great principle which set the machine in motion; but there was another on which its movements in no small degree depended, viz. that of opening a source of patronage and influence. There was not a single job connected with the system which he introduced, from beginning to end. It had no other object but the good of the people, and providing for old soldiers, who could make no return to those who watched over their interests. But here they were to have a regimented force; where there were regiments, there must be officers, and the Noble Lord was not ignorant that every grant of this kind was matter of favour. In this way, he declared the volunteer establishment to be the greatest source of favouritism and of enmity ever possessed by a minister. By way of sample, he stated the following circumstances: under the former administration 200 officers, who had for the most part been in the army, were employed on the recruiting service; when the present ministers came into power, they removed these officers, and appointed 2,000 volunteer serjeants in their room. One would naturally suppose that the number of recruits would have been increased, in consequence of this arrangement, in the ratio of ten to one. The fact was, however, that the 200 officers had procured 2,000 recruits, whereas only 600 had been procured by the 2,000 volunteer serjeants. It was true that the officers had 40l. whereas the serjeants had only 10l.

each; but the officers were obliged to give security to return the money if they did not bring recruits, whereas the serjeants were under no such obligation.

The Right Honourable Gentleman concluded with begging that gentlemen would put to themselves two questions relative to the present measure; the first was, what necessity there was for it? the second, whether it might not be traced to the motive of wishing to bring back the old system of having soldiers for life?

Leave was given to bring in the Bill.

STIPENDIARY CURATES BILL.

May 10, 1808.

THE Chancellor of the Exchequer (Mr. Perceval) had brought in a Bill "for making more effectual Provision for the Maintenance of Stipendiary Curates, and for their Residence on their "Cures." Under this Bill, the Curates were to receive a salary equal to one-fifth of the value of the benefice, but in no case to exceed 250*l. per annum, leaving a discretionary power in the Bishops to apportion the salaries of the Curates where they were to be below that maximum. There was also a provision for the Residence of the Clergy. On the second reading of this Bill Lord Porchester moved as an Amendment, that it should be committed that day three months.*

MR. WINDHAM had carefully applied himself to the examination of the bill, and the result was that he thought it very injudicious, very pernicious in point of principle, and inefficient as to any good practical purpose. He remarked, that two views were entertained of the nature of church property; the one was, that it was inviolable, like private property; the other, that it was merely to be considered in the nature of a salary for a particular duty, and that the legislature might interfere with it, and alter it with as little ceremony as the salaries of any public office. He thought that neither of these two propositions was just in its full extent. He was

disposed to concur in the theory of the Right Honourable Gentleman, that it was inviolable like private property; but that the legislature had a right to interfere, so far as to provide that the duties attached to it were performed. But then he asserted, that the meddling with this property, in the manner proposed by the bill, was dangerous to the church establishment; for the bill seemed to be founded on the principle maintained by those who held that all those clergymen, who were not employed in parish duties, were useless members of that establishment. The law allowed pluralities. Clergymen, therefore, could not always reside on their livings; and attaching penalties to that which the law permitted, he contended, was unjust. It also seemed to proceed on the supposition, that the number of curates was limited. This was not the case; and the augmenting a few curacies would only bring a greater number into holy orders, and by that means increase the distress of the whole body. On the whole, the bill went to a dangerous violation of church property, without any chance of improving the general condition of the curates.

Dr. Laurence argued against the Bill, which was supported by the Solicitor-General. The House then divided,

For Lord Porchester's Amendment -	11
Against it -	94
Majority for re-committing the Bill	83

ON the 8th of June the order of the day was moved by the Chancellor of the Exchequer for a Committee on the same Bill. In reply to some observations from Mr. Wilberforce in favour of the Bill,

MR. WINDHAM regarded the bill now under consideration in a very different light from the Honourable Gentleman who spoke last. He conceived it to be a measure calculated to undermine and weaken, rather than to strengthen that church which the Honourable Gentleman professed so much to admire. It seemed to him to be a bill calculated to sow dissention and discontent, rather than seed likely to produce good fruit. It appeared calculated to set the curate against the rector, and the rector against the curate. It was a bill to endanger, not to benefit the church of England. He was far from denying that the legislature might not interfere to regulate church property as well as any other. Nobody could deny that proposition; but still it remained a question, was such interference necessary? Nobody could deny that the King held the reins of Government for the benefit of his subjects. But still the talk of cashiering kings was a doctrine not to be lightly introduced, or to be acted on but in cases of the most crying necessity. In the same manner, though the legislature might have a controul over the property of the church, it was a controul to be seldom exercised, nor even to be often talked of; it being a fact, that the solidity of the tenure, by which the property was held, was diminished even by the frequency of the discussion as to the right to hold it

inviolate. He could not, therefore, deny the argument of Gentlemen on the other side, as to the letter, but he protested against it as to the spirit. If the church itself did not see this bill to be dangerous, it was more behind its interests than usual. If it did not see in this measure a speck which would in time burst forth into a cloud, it was more insensible to its situation than he had supposed. The church of England, he was satisfied, had more to fear from this measure than from the Pope and a full conclave of bishops, even in the zenith of their power, and before His Holiness was reduced to his present abject state. He could not help, however, admiring that far-sighted talent by which the Honourable Gentleman (Mr. Wilberforce) was enabled to smell out the dangers of popery at 500 miles distance, while he continued utterly insensible to all the dangers of fanaticism assailing the church of England, even under his very nose. The Gentlemen on the other side, however, appealed to the charity of the house, and asked if the curates, who did the business, ought not to be paid? To this he had no objection, but yet he contended they should not be paid out of other persons' pockets. But, said the Honourable Gentleman again, this is only on account of the non-residence of the proper incumbent. This, however, was taking it as granted, that non-residents were delinquents, a doctrine in which he could not agree; as it was perfectly possible that a person might be non-resident from bad health, or from many other justifiable causes. This, too, was to play fast and loose with the question. It was one moment to

represent it as a mulct on the non-resident; the next, as a bill for the relief of the curate. Instead of legislative proceedings, if the Right Honourable the Chancellor of the Exchequer would exert himself zealously, earnestly, and sincerely, to see that none but proper persons, in point of character and learning, were admitted into the church, he would do more to effect the object in view than a thousand bills like the present could ever accomplish.

The Bill was committed, and afterwards passed the House of Commons. But on a motion for its third reading in the House of Lords, it was rejected without a division.

MR. PALMER'S CLAIM.

May 12, 1808.

MAJOR PALMER (the son of the petitioner) moved, "That the House should resolve itself into a Committee to consider "the Report on Mr. Palmer's Petition." The object of this petition was, to obtain performance of an agreement which Mr. Pitt had entered into with Mr. Palmer, under which, as a reward for the inventing and carrying into execution the plan for conveying letters by means of mail-coaches, Mr. Palmer was to hold a place of 1,500*l. a year for life, and be also entitled to receive two and a half per cent. on the annual net revenue of the Post-office exceeding* 240,000*l. This agreement, in consequence of alledged misconduct in Mr. Palmer, had not been acted upon since* 1793, *and the latter, against his wishes, had been allowed a pension of* 3,000*l. per annum, in lieu of his office, salary, and per centage. His petition for redress had been referred to a Select Committee of the House, and favourably reported upon.*

The House having gone into a Committee, Major Palmer moved the following Resolution; "That this House is of opinion "that Mr. Palmer is entitled to the sum of 1,500*l. a year, "together with* 2*l.* 10*s. per cent. on the net revenue of the Post-"office, exceeding the sum of* 240,000*l.; to be paid up from the "5th of April* 1793, *and during his life, according to the "provisions of his appointment of* 1789; *deducting the sum of "* 3,000*l. a year received subsequent to the 5th of April* 1793." *Mr. Long, Mr. Rose, and the Chancellor of the Exchequer,*

opposed the Resolution. Mr. Croker supported it, except so far as it related to the office salary of 1,500l. a year, to the continuance of which he objected, as well as to the payment of the arrears of it.

MR. WINDHAM. — I cannot, sir, at all admit, that the mode adopted in arguing this question, is either a mode suited to the character or functions of this house, or that it is a mode (as has been dextrously pretended) favourable to the interests of the party. It has been said, 'we will agree not to deprive Mr. Palmer of the benefit of what he claims, but upon grounds on which he might have been deprived by law; and in so doing (such is the inference) we put his cause upon the most advantageous grounds; for, surely, no government or legislature can be considered as acting harshly by an individual, when, in the exercise of its discretion, it only withholds from him advantages, from the possesion of which, if actually vested in him, the law itself would have removed him.' — Sir, I both deny this inference, and I deny, that the proper way for the house to examine this question, is to enquire how it would stand, if considered as a point of law. The fact shall be, if the Right Honourable Gentleman pleases*, that the terms of the agreement would warrant the construction which he puts upon them, and that a court of law, following the rules of interpretation which they might think it right to observe, would declare Mr. Palmer's claim to the per-centage to be forfeited, in consequence of the misconduct, which has forfeited his place for life. But, I am yet to learn that a house

* Mr. Perceval.

of parliament, in judging a matter of this sort, is confined to the rules which may be binding on a court of law; or that courts of law may not be bound, on a thousand occasions, and most properly bound, by rules that do not in the particular instance coincide with the substantial justice of the case. Have we never heard of the maxim 'summum jus, summa injuria,' and is there not notoriously, in the system of our own jurisprudence, a provision made for cases in which the decisions of mere law would be contrary to that which justice and equity would prescribe? In fact, the very courts which are meant thus to supply what is defective in others, and to correct those rules which in many cases stand in the way of justice, are themselves subject to constraints from which, in particular instances, they would desire to be free, as leading to decisions different from what would be directed by mere unfettered justice. In the interpretation of wills how often does it happen, that the property must be made to take a course different from that which the testator himself may fairly be presumed to have intended? What, therefore, would be the sense or justice of taking as a rule for the resolution which this house should come to in a case submitted to its justice and to its liberality, the decision which a court of law might find itself compelled to give, if called upon to say what would be the legal effect of a written instrument conceived in such and such terms? I beg, therefore, wholly to protest against this ingenious turn, by which the Right Honourable Gentleman, conformably enough to the habits of his former life, would take this case

out of the general consideration of justice and equity, on which it ought to rest, and put it upon the issue of what a court of law should decide in interpreting the words of a particular grant. We have not only the words of the grant before us, but the whole of the merits of the case; and it is upon the view of these merits, combined with all that belongs to the character of this house and of the country, that it is becoming and fitting for us to decide.

Three questions present themselves to our consideration; What was the bargain originally made? Has that bargain been made good on the part of government? By what means has Mr. Palmer forfeited his claim to it?

With a view to the last of these questions, it is desirable to say a word or two upon the first, and to recall to the house, what the nature and character was of the bargain originally made. It was not a mere grant to Mr. Palmer of a fixed remuneration formed according to the ideas then entertained of the merit of his plan, but a reward placed upon the best possible footing on which rewards, in such cases, can be made to rest; namely, such as should make the advantage to the projector rise or fall in exact proportion to the service which he should be found to have rendered — a rule that can be liable but to one objection on the part of the public; namely, that of the proportion having been taken originally too high; but which, if not objected to on that account (as it never had been), can hardly be objected to afterwards, on account of the absolute profits which, in observance of that proportion, it shall be found to produce. Whatever the

fact may be, we shall never venture to avow, that we refuse to make good to Mr. Palmer the reward that was promised, because the advantages of his plan to the public have turned out so much greater than were expected.

What is said, is, that his claim has been forfeited by his misconduct; and as this is a plea which has not, in the general nature of it, any thing to make it incapable of being true, it is necessary that its validity should be examined.

The original engagement made with Mr. Palmer was an allowance of 2½ per cent. to be computed on such increase in the revenues of the Post-Office as could fairly be ascribed to the effects of his plan. It was a remuneration given for services already performed, and involved in it no consideration of any thing to be done by Mr. Palmer in future. The proof is that had Mr. Palmer at that moment wished to retire into the country, or, from health or liking, or any other cause, declined all further concern with government, there was nothing in the world to prevent him. His bargain was complete, and if his plan produced any gain to the public he had nothing to do, in order to receive his proportionate part, but either to attend himself, or to furnish to some one a proper letter of attorney.

This was the bargain which unquestionably government was ready to make with him, and which, I believe, was actually concluded. But it was thought, that a change in part might be advantageously made, and that instead of paying Mr. Palmer wholly in a per-

centage, part of what he was so to receive might be converted, beneficially to the public and profitably to himself, into an office to be held by him under the Post-office, and he be enabled thereby to superintend the execution of his plan, and thus to increase at once the public revenue, and his own profits.

To this arrangement, nothing could be objected; supposing the equivalent to be justly taken, and supposing always that Mr. Palmer had no objection to being further employed instead of retiring with the fruits of the service which he had already rendered. Nobody could ever have suspected, that by accepting an office and a salary in lieu of part of what was to be paid him in another form — that by converting, as it were, part of his property into an annuity, — he was to alter the tenure by which he held all that was not so converted, and was to exchange what was absolutely his, for a sum, being only in a small proportion larger, which any misconduct of his own, real or imputed, or the mere pleasure of another, might at any moment take away from him. A doubt might not unreasonably be entertained, whether this would be true with respect even to the particular part converted. It might be said, this office was given you partly with a view to future services, but partly with a view to what was passed; and so far as it was a recompence for the past, it ought, if forfeited, to be replaced to you in its original form. But, it is perfectly monstrous to contend, as is now done, that in virtue of the small portion so converted, the whole of what was due to him, and what was actually agreed for, should, from that moment, become precarious and contingent, instead of

absolute and certain. No such bargain can be admitted but upon the faith of documents expressed in terms the most positive and precise, and leaving nothing in doubt as to the meaning intended to be conveyed. It cannot be left to be inferred or collected, or to stand on rules of technical interpretation, or on the doubtful testimony of persons, speaking as to their opinion of what was intended at the time, and who, however respectable, are themselves very much in the situation of parties. It is not to be believed, but upon proof the most compulsory, that any man of good and sound understanding would make a bargain so disadvantageous to himself. There is no proportion between the price paid and the advantage to be gained. Mr. Palmer by accepting the office proposed, would hope, no doubt, to increase the Post-office revenue, and thereby, besides the credit which he would gain, to increase his own profits. But what a bargain would he have made, if for the chance of this additional gain, he should have put into jeopardy the whole of what was already secured to him! Yet this is the situation in which the Honourable Gentlemen contend he had been willing to place himself. You have consented, say they, to be paid partly by a per-centage and partly by an office; in other words, to accept an office in lieu of a part of your per-centage. From the office you are removeable, in fact at pleasure, but certainly for misconduct, and as we cannot distinguish between the grounds on which one part of your payment is made, and those on which another is made, but must consider them all as resting on the mixed and joint views of, reward for the past

and engagement for the future, whatever has the effect of forfeiting one part must forfeit the whole; and as it is clear, that after such misconduct as you have been guilty of, your salary must go, it follows by necessity, and by connection of parts, that however it may have been given you on the principle of a reward, and may have remained in its original form of a per-centage, the rest must go likewise. Was there ever so ingenious and satisfactory an argument? Mr. Palmer must feel half reconciled to the loss of all that he thought himself entitled to, when he finds it wrested out of his hands by such a masterly and dextrous piece of logic! The worst of the argument is, that it will do as well the other way, and that if the parts of his grant are so connected, that they must all stand or fall together, it may be asked, why the salary should not follow the law of the per-centage, as well as the per-centage that of the salary? The per-centage, it is plain, was clear reward and nothing else: it was given for service past, and could not well be forfeited, in the circumstances of the case, and while the public was actually enjoying the benefit of it, by any thing that should be done afterwards. It would be just as good, therefore, and in fact better argument, to say, that as the salary was in part given as matter of reward, this was a case in which office and salary were not, as in other cases, forfeited by misconduct, but should be continued, in part at least, even though the party should have acted in such a way as would have amounted to a forfeiture in any other circumstances. The truer decision however is, no doubt, that the salary was forfeited, and nothing

else. Mr. Palmer consented to convert a part of the property which was already his by an absolute and indefeasible right, viz. his per-centage, into property of another description, and which it was fair to consider as subject to the condition by which such property is usually held. When he took an office in lieu of a part of his per-centage, it might be contended, and not without plausibility, that he took it subject to all the chances to which such office was exposed: though even there I should be inclined to maintain, that if in the number of those chances, removal at pleasure was to be included, the interpretation would be rather a hard one. But forfeiture for misconduct I should not think hard, even though it involved in it, as it does in the present instance, a loss and punishment to Mr. Palmer beyond that of the mere salary, namely, the loss of all that increase of profit which the possession of the office was likely to produce upon the great body of his income, viz. the per-centage, which he still retained. This loss I think Mr. Palmer has fairly incurred in the present instance. But to extend the construction to the whole of what had been given him, and to say, that having turned one part of what he had into salary, the tenure of the salary was to attach instantly on all that remained, is a construction not less extravagant than if you were to extend the same to any property which he held in land or in the funds, which he had derived from bequest, or inheritance, or acquired by his private industry.

It is needless in this point of view to touch upon any topic, even if such there should be, by which the

delinquency imputed to him might in any degree be extenuated or excused. Though pleas to that effect are not so entirely wanting as some may suppose, taking into consideration the means employed against him, and the little scruple felt by many of those whose arts he had to encounter, yet it is better in argument wholly to give up their part of the case, and to consider his conduct in office not only as being, what it certainly was, in the highest degree culpable, but as totally incapable of defence or mitigation. All that it is necessary to say is, that the delinquency was not of a sort, as indeed what delinquency is? that could work a forfeiture of rights which had been completed before the crime was committed. The opposers of the claim, sensible that it was not upon those grounds that resistance to it could be maintained, have had recourse to the terms which, at a subsequent period, Mr. Palmer had been fain to accede to, when the only option allowed him was between those or none. The mere statement of such an agreement is an answer to any use to be made of it as concluding against the future claims of the party. Mr. Palmer finding himself opposed by men who had all the power in their hands, was willing, as most other persons would have been in the same circumstances, to consider rather what he could get than what he might think himself entitled to. The moment the ministry were in possession of the letters, to which to-day also, so much triumphant reference has been made, Mr. Palmer was at their mercy. With such a battery to play off against him, the moment he should set his foot in the house,

he could not have stood before them for an instant. He would not have obtained a hearing. The house, it may now be hoped, not being taken by surprise, nor borne down by the long established authority which then ruled it, will be more disposed to listen to reason; and, as one of the first proofs of such a disposition, will never consider an acquiescence on the part of Mr. Palmer in the terms dictated to him, as an admission that what was so offered was equal to the fair amount of his demands. His consent to accept what was then offered, that is to say, all that he could then hope to get, was not an act that could, with any justice, in my opinion, be quoted against him, as prejudicing any claim which he might otherwise be thought to possess. His claim must remain such as it was originally: and it is upon this claim that the house is called upon to pronounce; judging, not according to the rules which some have proposed as the guide of its judgment, but on those principles of general equity, which would seem more suitable to the character of a legislative assembly, deciding between an individual and the public. Was the bargain made with Mr. Palmer, originally, an unfair, or improvident one? Was it not, on the contrary, such as the public would be glad to repeat, could the advantages of his plan be obtained at no cheaper rate? Can it be said with any truth, that a bargain so circumstanced, has been forfeited by his misconduct, however justly that misconduct has forfeited the office which he accepted in lieu of part of it? And if the reward due for service already performed, and of which the public are now enjoying the fruits,

cannot well be forfeited by misconduct of a subsequent date, would it be consonant to the justice or creditable to the character of the house, that they considered as a surrender of Mr. Palmer's right, the acceptance on his part of a smaller sum, when the rejection of what was then tendered must be considered as nothing less than a renunciation of all further hopes?

Sir John Newport, Sir Francis Burdett, Lord Henry Petty, Sir Thomas Turton, Mr. W. Smith, Mr. Peter Moore, and Dr. Laurence, supported Mr. Palmer's claim. Mr. George Johnstone, and the Solicitor-General, opposed it. Major Palmer amended his Resolution, agreeably to Mr. Croker's suggestion, by withdrawing the claim to the salary of 1,500l. per annum; — after which the Committee divided,

For the Resolution - - -	137
Against it - - - -	71
Majority for the Resolution -	67

May 16, 1808.

AFTER the Report of the Committee on Mr. Palmer's claim had been brought up and read a first time, Mr. Banks, on the motion for the second reading, opposed it.

MR. WINDHAM.—It seems desirable that previous to any remark on the subject before us, notice should be taken of an opinion which, however foreign from

the merits of the question, may have considerable share in influencing the decision of it: namely, that this is a question on which those who vote on one side or the other may be considered as voting on principles of party. On what grounds this idea should be taken up, or how the ministry should be fond of countenancing it, I am at a loss to discover. In respect to the fact, and so far as regards myself, I declare I came into the house the other day not knowing that any question upon this subject was to be brought on, and equally ignorant of the part, which any of those with whom I usually act, were likely to take. This may, surely, be received as reasonable evidence, that the support given to Mr. Palmer by any Gentlemen on this side of the house has not been the effect of concert, or of an opinion that they were required on this occasion to act in a body. For the views and motives of those who wish to convey this impression, though it is easy to understand, how the reduction of the question to a question of party may contribute to the decision which they are desirous of producing, it is not equally easy to believe that they should be willing to purchase this advantage at the price of representing a question on which the minister was beat, as one that had been decided on party principles. Had we attempted to set up such a conclusion, they would have ridiculed us, and justly, as laying claim to a triumph, to which we could have no pretence. I leave them to chuse between a confession of the weakness of their influence, and an admission that

the merits of Mr. Palmer's case are so strong, that with all their influence, they are unable to resist them.

Another topic not less extraordinary, is that which has been broached by an Honourable Gentleman (Mr. Banks), of the want of proper notice, and of the house having been taken by surprize. I know not what is to be deemed a notice, if an intention distinctly announced and formally entered, and resting in the Order Book during a period, I believe, of seven weeks, is not to be taken as such. — Both of these, it is plain, are points, which, though calculated to have an influence upon the decision, have nothing to do with the merits of the case. The last of them also, viz. that of the want of notice, is new: but, excepting that, nothing has been urged in the present debate, that was not fully under the consideration of the house at the time when the question was before discussed, and when the opinion of the house upon it was formally taken.

For the sake of such Gentlemen as were not then present, it may be proper to observe, that the question was discussed upon two distinct grounds: first those of a bargain independent of its merits, and secondly, those of the merits independent of any bargain. It is to be remarked, that a decision in the affirmative on either of these grounds will carry the question in favour of Mr. Palmer; and that the union of the two, which is in fact the case, is by no means necessary to establish his claim, though it cannot fail to give to it redoubled force, and to leave the rejection of it, could such a decision be conceived to be

adopted, more entirely without excuse. The existence of a bargain is not denied, and of a bargain so constructed, as to make it impossible that the public should suffer by it. It may be added, so constructed likewise, as to make it nearly impossible to conceive how it should be capable of being forfeited. A bargain by which a person is paid only in proportion to the service he does, though it may originally have been an improvident one, as giving him a larger proportion of the benefit to be received, than with proper precautions he might have been willing to accept, is a species of bargain by which, when once made, the public can never be a loser, and which one does not well understand how the individual contracting it can ever forfeit. It is not contended indeed directly, that the bargain in this part of it has been forfeited. But it is said, 'We cannot distinguish how much of what was to be given to Mr. Palmer was given on the footing of compensation and how much for future service. When he had forfeited, therefore, as it is agreed he did, what was intended as engagement for future service, we deem upon a rough calculation, that what remained to him, was worth no more than what we now offer.' It might be sufficient to say, that the calculation here referred to, was a most unjust one; and that admitting the line of distinction, between what was given as a reward and what was intended as wages, to be ever so difficult to be traced, it could never be conceived, that what was left for reward after deducting all that could be construed as payable for future service, was no more than is now pretended.

But this difficulty is a mere pretence. Nothing, one should think, could be more apparent to any one who did not chuse to be blind, than that the part assigned as reward and remuneration was the per-centage, and the part intended as payment for future services, the salary. The only doubt could be, whether the principle of reward for the past did not extend even to the salary, just as it happens in a thousand instances, that an appointment to an office is the reward of services already performed: but it is a strange perversion indeed, to suppose, that when, in exchange for a plan communicated to the public by an individual, and brought forward by him in the first instance at his own risk and expence, an agreement is made granting him as a reward for, or as the price of, his invention, a proportionate part of the clear advantage which it should produce to the public, the subsequent appointment to an office should change the nature of the bargain so made and completed, and silently superinduce a condition, by which his bargain should be forfeited in consequence of any misconduct which would have the effect of forfeiting the office. The very circumstance that part of the per-centage was given up when this appointment took place, and given up in consequence of that appointment, is proof conclusive, even could any doubt be entertained, that what was not so given up, continued precisely on the footing on which it had previously stood.

What miserable quibbling, therefore, would that be; even if, after all, the inference could be made good; which by strict construction of particular phrases, and

by the aid of rules of interpretation not professing to give always the true sense of the instrument, though useful possibly to be observed upon the whole, would establish a conclusion obviously repugnant to the intentions of the parties, and to the real and substantial equity of the case? Is it thus that the legislature of a great country would wish to deal with an individual, at the very moment when the country was enjoying to the full extent the benefit of his invention, and with no intention to give back any portion of it, though they were denying to him the proportionate advantage which they had before agreed to, and which they would be willing to repeat, were his invention still to be purchased and could be obtained upon no other terms?

I will not go again into the examination of the letters to Bonnor, which, one might be sure, would be again brought up; nor consider how far those letters, culpable and indefensible as they seem, might admit of some excuse. It is sufficient to say, that they are nothing to the present purpose: that though they are sufficient, and more than sufficient to set aside the appointment, to justify and to demand the revocation of the salary and of the office, they did not touch the allowance which had been given in the form of a per-centage, and as the price of the plan that had been communicated. This price is what Mr. Palmer claims, and this is what he has still, as he had formerly, a full right to.

The censure passed by the Honourable Gentleman near me (Mr. Banks) on the conduct of the Chan-

cellor of the Exchequer, does not require to be adverted to as affecting the merits of the case, which it can in no degree vary: as a matter of general doctrine, I can by no means bring myself to assent to it, seeing that the direct effect must be to place in the arbitrium of the Chancellor of the Exchequer, what ought to be submitted to the judgment of the house. The cases in my opinion can be but very few, in which a Chancellor of the Exchequer ought to exert the delicate and dangerous privilege, even though he may be possessed of it, of withholding from the house the power of exercising its own judgment.

The plea of lapse of time, urged also by the Honourable Gentleman near me, is of another sort. Though it does not, in one sense, affect the merits of the case, that is to say, the justice of the claim, it makes part of the question which the house is called upon to consider. I shall only say, that however good the objection may be on the part of many individual members, of the Honourable Gentleman, for example, or of myself, it cannot well be adopted by a house, which in the instance of the Duke of Athol, to say nothing of the general merits of that case, did not scruple to revise a transaction which had passed forty years before, and which had been sanctioned, not by an order of the lords of the Treasury, but by a solemn act of the three branches of the legislature.

After a long debate Mr. Sumner moved an adjournment, with a view to refer the Report back to the Committee, giving them in-

structions to take further evidence. On a division, the numbers were,

For the adjournment	87
Against it -	137
Majority	50

The Report was afterwards agreed to, and at the suggestion of the Speaker was settled to be referred to a Committee of Supply.

IRISH CATHOLIC PETITION.

May 25, 1808.

MR. GRATTAN moved, "That the petition of the Roman "Catholics, whose names are thereunto subscribed, on behalf of "themselves and of others His Majesty's subjects professing the "Catholic Religion, which was presented to the House on Mon- "day last, and then ordered to lie upon the table, might be again "read." The petition was read accordingly, and Mr Grattan concluded a speech of considerable length by moving, that it should be referred to a Committee of the whole House. Mr. Secretary Canning opposed the motion, upon which Mr. WINDHAM *addressed the Chair in the following speech:*

SIR,

The speech of the Right Honourable Gentleman who has just sat down, strongly reminds me of what Lord Chesterfield says in one of his letters, when speaking of the tragedy of Cato. That accomplished nobleman, when criticising the tragedy of Cato, remarks that there is nothing in the two beautiful lines with which the poem opens:—

"The dawn is overcast, the morning lowers,
"And heavily in clouds brings on the day—"

that there is nothing in all this but what a watchman tells us when he calls out "past four o'clock and a

cloudy morning!" Just so with the Right Honourable Gentleman's speech — with all its exuberant eloquence, we find nothing but an assurance, that the discussion will be extremely inconvenient to himself and his friends, and that therefore it ought to be deprecated. The Right Honourable Gentleman laments the existence of religious dissensions — so do we, and so does every one. But since it is admitted, on all hands, that they do exist, the question is, what is best to be done with them? — and, while on this subject, it appears to me a singular mode of proceeding, by way of allaying those dissensions, and satisfying the large body of the people among whom they exist, to refuse what they ask, and not even to discuss their claims! This, I suppose, is one of the practical expedients of which the Right Honourable Gentleman has spoken: as that Right Honourable Gentleman's former political opinions and conduct have always leaned to the side of the Catholics, so far as regards himself personally, this is truly an expedient that may have its practical use towards himself on the present occasion. 'The less that is said the better,' cries the Right Honourable Gentleman, and I so far agree with him, that I cannot help thinking, if he had followed his first impulse, and remained entirely silent, he would have better consulted his own character and reputation.

The Right Honourable Gentleman, in commending the temper and moderation evinced by my Right Honourable Friend*, has taken the opportunity of recom-

* Mr. Grattan.

mending a similar tone to those who succeed him in this debate. Now, it is very possible, that although the original mover of a proposition may laudably enough be moderate in his language and manner, those of his opinion, by whom he is followed, finding that moderation produced no effect, may justifiably try whether shame or reproach will be more successful. The Right Honourable Gentleman has expressed his conviction, that my Right Honourable Friend does not wish that this boon should be wrung from an unwilling people, and a reluctant parliament. True; but who made the people unwilling, and the parliament reluctant?

In reply to the Right Honourable Gentleman's statement, that the question has been already discussed and settled, and that nothing has since happened that could change the opinion of the house on the subject, I have simply to observe, that this statement is unfounded. Changes in opinion take place daily, in proportion as truth and reason become more manifest; and I hope, that, at no distant period, these changes will produce the effect so desirable. The four millions of Catholics at present in Ireland are as a dead weight, or an indigestible mass in the stomach of the country, poisoning and palsying all its efforts. It is intended to pursue towards the Catholics the old system of policy, by which attempts have been made to wear them down into insignificancy? Let the truth or fallacy of this system be tried by the rule of three. If in two centuries the Irish Catholics are brought to four millions, how many centuries will it take to extirpate them en-

tirely? I have heard of philosophers and naturalists, who pretend to ascertain the age of the world by the different decompositions of granite; but this, with respect to the Catholics, will be a much more tedious calculation.

With respect to the comparison so well made by my Right Honourable Friend, between the two kinds of danger, of which it is necessary to choose one, I should most unquestionably prefer the danger uncertain, if not chimerical, of giving to the Catholics a power, which might ultimately invest them with a considerable influence in the state, to the terrible danger which the refusal of their just claims must, in my apprehension, inevitably occasion. No man can be more willing than myself to allow the propriety of an alliance, properly understood, between church and state; but, I wish the House to consider, that if the state cannot exist without a church, how much less can the church exist without a state. I repeat, Sir, that I am anxious the subject should be fully discussed; convinced as I am, that the friends of Catholic emancipation will ultimately triumph over every obstacle that can be thrown in their way.

The motion was opposed by Lord Pollington, Lord Castlereagh, Mr. Wilberforce, and Mr. Perceval; and supported by Lord Milton, the Knight of Kerry, Lord Henry Petty, Sir John Cox Hippesley, Mr. W. Elliot, Mr. R. Martin, Mr. Ponsonby, Colonel Hutchinson, and General Montagu Mathew. — In reference to some observations made by Lord Castlereagh,

Mr. WINDHAM, in explanation, said, that the change which he referred to was, in the feelings of

many of the Irish Protestants on the subject. He had not used any argument to reconcile his own conduct with respect to the question, nor had he thought any was wanted. When he and his friends attempted to keep back the subject, they had done it in a way the most conciliating to the Irish Catholics; and if the question should be pressed, they had reserved to themselves a right to speak and vote upon it, as they had ever done.

The House being divided on Mr. Grattan's motion, there appeared,

For going into a Committee -	128
Against it - - - -	281
Majority against the petition -	153

ENCROACHMENTS ON HYDE-PARK.

June 30, 1808.

MR. CREEVEY, adverting to some encroachments which were understood to be about to take place in Hyde-park, for the purpose of erecting private dwelling-houses (and which had been first noticed in parliament on the preceding day by Mr. Windham), moved for the production of a correspondence on the subject between Mr. Fordyce (Surveyor-General of the Crown Lands) and the Lords of the Treasury. Mr. Hanbury Tracey seconded the motion, which was opposed by the Chancellor of the Exchequer, on the ground that it would ill become the House to interpose between His Majesty and the exercise of one of his undoubted rights, observing further, that the plan had not yet been submitted to His Majesty, and had only a few days before been laid before the Treasury.

MR. WINDHAM contended, that this was a subject, of all others, fit for the interposition of the house, and that this was precisely the moment when it should interpose. The plan, it appeared, was almost completely arranged, and if the house did not address His Majesty now, they would have no other opportunity of doing so. By the time they next met,

the houses probably would be half built, or, at least, so far advanced as to render it impossible to discontinue the plan.

Against the plan he must enter his protest. He was not quite sure that His Majesty possessed the right of disposing of the park in the way proposed. It would be a satisfaction to him to know how the crown and the public stood in that respect, and whether it had not given up the right which it was now intended to assert, in consequence of the payment from the consolidated fund. It was idle to suppose the plan would not go on if it were once begun, and that it would be limited to eight houses. These houses would go on, co-operating with other houses, until it would be no longer a park. Indeed, it could scarcely be called so at present, for it was almost invested with houses. On one side there was Knightsbridge, grown into a considerable town; on another, Kensington. There was also a great town starting up on the northern side. Now, if in addition to these a number of houses should be erected, the power of vegetation would be completely destroyed. The park would no longer be that scene of health and recreation it formerly was. It was a saying of Lord Chatham, that the parks were the lungs of London. He could devise no means more effectual for the destruction of these lungs than the proposed plan. The great increase of the metropolis might be attributed to the desire which every man felt to get as it were into the country; to go a little further towards it than his neighbour. He had

heard of parks being decorated with grottos and temples, but here was a plan to decorate a park with houses; as if a citizen, who should leave Whitechapel on a Sunday evening to get a little fresh air, would feel much gratified when he arrived at Hyde-park to see nothing but houses. He would most probably think that he had seen enough of these in the course of his walk. Hyde-park would not admit of being contracted, and he trusted that this plan of decorating it, by setting a few London houses in the midst of it, would be abandoned.

He was glad of an opportunity of marking out these consequences. There were but few marks of royal splendour in the metropolis. Though he did not think so lowly of St. James's as others, yet still he must say, if it did not look like a palace, it did not look like any thing else: certainly, not like a private house. That and the parks were the only signs that London was ever used as a royal residence. He protested, therefore, against any project intended to convert these into a source of emolument. The inconvenience that would result from it would infinitely outweigh any advantage that would be derived from it. He was glad that this discussion had taken place. It would not be without its use, if it should prevent the execution of a plan which, to speak of its consequences in the mildest way, must at least produce very considerable dissatisfaction.

Mr. Sheridan supported the motion. On a division, there appeared,

For the motion - -	23
Against it - - -	36
Majority - -	13

The plan, however, has not been put in execution.

CINTRA CONVENTION.

February 21, 1809.

LORD HENRY PETTY moved,

" 1*st. That the Convention concluded at Cintra on the* 30*th* " *of August* 1808, *and the Maritime Convention concluded off* " *the Tagus on the* 3*d of September* 1808, *appear to this* " *House to have disappointed the hopes and expectations of the* " *country.*

" 2*dly. That the causes and circumstances which immediately* " *led to the conclusion of those Conventions, appear to this House* " *in a great measure to have arisen from the misconduct and* " *neglect of His Majesty's ministers.*"

Lord Castlereagh moved the previous question upon the first resolution, declaring that he would take the sense of the House upon the second. Sir Arthur Wellesley defended the Convention chiefly on the grounds of the resistance which General Junot might otherwise have been enabled to make at Lisbon, and of the time which was gained, by means of the Convention, for carrying on operations in Spain.

MR. WINDHAM said he should be sorry to have it supposed, that in rising after the Honourable General, he had a wish to do away any part of the impression which his speech could not fail to have made.

Nothing could be more clear, fair, and manly than the manner in which the Honourable General had spoken of all the persons with whom he had acted, and of all the transactions in which he had been concerned. He (Mr. W.) must necessarily feel diffident in delivering any opinion on subjects of which he could know so little as of military operations; and was well aware that, in offering his testimony to the merits of the Honourable General, he was offering what was of little value. But he could not, for his own sake, abstain from expressing how entirely he concurred in opinion with the views and conduct of the Honourable General; not only in those parts where his measures might seem to have a voucher in success, however he might still think some of them questionable in point of prudence; but in those also where the intentions of the Honourable General had been unfortunately overruled. Though there was nothing to which he (Mr. W.) was in general more adverse than to confident judgments on professional subjects from persons not professional, and though it might be true in part that the merit of an officer could not be judged but by a judgment on the merit of his particular measures, yet there was a certain character of talent and ability that might be capable of making itself visible even to persons the most unlearned, and might shew the superiority of one player over another even to those who were most ignorant of the game. It was impossible not to discern in the whole style of the Honourable General's conduct, those characteristic marks, which have at all times, and not least in those in which we live, distin-

guished the successful from the unsuccessful side, the victor from the vanquished.

But the statement of the Honourable General, though proper for him to make, and satisfactory for his justification, was no vindication of His Majesty's ministers upon the present question. Whilst it justified his character, it was the condemnation of theirs. It was the glory of a military officer to achieve success under great disadvantages. There was no credit to be gained from good fortune, where there were no disadvantages to be encountered, no difficulties to be overcome. But, the glory of an administration consists in placing their officers in circumstances where success shall be easy, where they cannot chuse but win, and where of consequence their glory must be little. The merits of executive officers and of those who employ them move often in this respect exactly in a counter order. What is the boast of the officer, is the reproach of the minister; and the triumph of the minister in preparing an easy victory takes from the officer his means of distinction. The circumstances, therefore, which enhanced the merit of the gallant general constituted the blame of the ministers who produced them.

As to the opinion expressed by the Honourable General respecting the Convention, he must differ with him upon that point; though the reasons assigned for that opinion were perfectly neutral, so far as His Majesty's ministers were concerned. Unquestionably, a *prima facie* responsibility attached upon ministers for every public measure; yet he would admit that, upon

examination, the Convention was one of which they stood perfectly clear. But when he allowed they stood clear of the Convention itself, he did not mean, that there was not matter of responsibility in their preceding conduct; that they were not responsible for the manner in which they superseded the commanding officers; and for all the other circumstances which arrested the Honourable General's career of success, and led to the Convention. The Honourable General had certainly stated that the want of cavalry would not have prevented him from following up his victory. But had he stated, that it had not produced that effect in others? and was it not the reason principally insisted upon by the members of the Court of Inquiry, why the generals who refused to concur in that course, were justified in their refusal? He could not but believe, notwithstanding this opinion of the members of the Court, that the Honourable General was right, and that if left to himself he would have accomplished all that he had said he could. He (Mr. W.) must fairly confess that he could hardly entertain a doubt upon that point. Still the doubt was entertained, and, in the opinion of the members of the Court, was rightly entertained, and it is this which, in point of fact, prevented the victory from being followed up: and this doubt was founded almost entirely upon the deficiency of cavalry. So that, let who will be right, it was they, who, for whatever reasons, forbore to provide the army with a larger proportion of cavalry, upon whom it must be charged, that the victory of Vimiera fell so far short of what it might

have done, and instead of the capture of the enemy's army, only produced their removal from Portugal, upon the disgraceful terms which we had witnessed. This was the great feature of the case, as it respected His Majesty's ministers. This was the great connecting link, which made them responsible for measures in which directly, it is true, they had no share. They did not make the Convention. No: but they made that which did make the Convention; which rendered it necessary, as some say; but without which, it is agreed on all hands, the Convention would not have been made.

Was the result of the Campaign in Portugal such as to satisfy the hopes and expectation of the country? This was the first question to be asked, as the means by which it must be ascertained, whether there existed or not a *corpus delicti.* Upon this point the answer was unanimous, without the exception even of His Majesty's ministers. There was a failure to be accounted for, a ship lost, for which the commander must be tried, whether blame must ultimately be imputed to him or not. In the present instance he would say confidently, that blame must be imputed somewhere, either upon the officers or upon the ministers. The Court of Inquiry was a tribunal very little competent to this purpose. It was confessedly confined to half the object which the house and the country would have in view. In the manner in which the Honourable Gentlemen had conducted it, from motives and purposes of their own, it was wholly unfit even for that part of the subject which it did embrace, and was

in every respect a most unjust and unconstitutional mode of proceeding. The true conception, as he apprehended, of a Court of Inquiry, was that of a set of persons delegated to inquire into the circumstances of any transaction, for the purpose afterwards of advising His Majesty confidentially, whether there was ground for submitting the matter to an inquiry of a more judicial nature. They were a set of advisers and not of judges, or, if judges, judges who were to judge of nothing but whether the matter ought to be submitted to judgment. As far as resemblances and analogies might be admitted, (never very safe to be trusted to,) they were, as had been observed, of the character of a Grand Jury: and therefore according to the analogy, as well as according to the nature of the thing, ought to have kept their proceedings secret. As a secret tribunal they were to determine whether they would advise His Majesty to try his officers. But what the ministers wanted, was that, as a public tribunal, they should determine whether the country ought to acquit his ministers. They pervert therefore the whole nature of the tribunal, and have produced out of it such a strange, anomalous, and inconsistent proceeding, as was never known in the laws of this or of any country, and cannot be made conclusive to any purpose that shall be at once rational and honest. It is a trial and no trial. It can neither condemn so as to inflict punishment on the guilty, nor acquit so as to protect the innocent from further prosecution. In the mean while, witnesses are to be pledged, impressions made and facts prematurely disclosed, so as

to render a fair trial before a regular tribunal no longer practicable. The cause of all this is to be found in the sinister purposes of the ministers on one side, and in their fears on the other. They wanted to hush up the business so as to prevent that full disclosure which a trial would bring out, and which might involve statements not so convenient to themselves. For this purpose, either no inquiry at all, or an inquiry in the regular mode, with shut doors, would have been most convenient. But that the impatience of the public would not readily acquiesce in. To that the terrors of the newspapers were opposed. They therefore conceived and brought forth that monstrous production, unknown to our laws and our usages, an open Court of Inquiry, of which the only effect has been to throw dust in the eyes of the people, by a show of trial without the reality, and by making them believe, that what after all is said only of the officers, was to be applied to the ministers.

My Noble Friend (Lord H. Petty) has been asked, Why, if he disapproved so much of the Court of Inquiry, he did not propose a substitute? But what is meant by a substitute for a thing that is past? A past measure cannot be displaced so as to have something put in the room of it. The measure must for ever *have been*. The effects of past measures may often be *corrected* and their force or operation reversed; but even that cannot happen in the present instance, and one of the complaints made is, that the proceeding is of such a nature as precludes the possibility of its being set right.

But, even supposing the establishment of this Court and its decision to be perfectly justifiable, what would it have to do with His Majesty's ministers? The declaration, that none of the officers concerned ought to be put upon their trial, could be no justification of government. The Board of Inquiry had broadly stated, that it was the want of means that prevented the victory of Vimiera from being followed up in the manner in which the gainer of that victory would have improved his advantage. Agreeably to what he had before observed, the acquittal of the officers might be, and was in the present instance, the condemnation of the government. As to the measure of the Convention becoming then necessary, he differed from the Honourable General in one point not military; and upon that the Honourable General and the officers who composed the Board of Inquiry, appeared to him to have a fallacious view. It had been stated by them, that the object of the expedition was to procure the evacuation of Portugal by the French troops. This assertion he should deny. What advantage, it was asked, would it have been to Portugal to have driven the French troops into Spain? But might it not as well be asked, what advantage could it have been to Spain to transport the French troops in our ships to a port of France from which they could speedily march into Spain? If that was the original view of the expedition, it was a false one.

There was another point touched upon by the Honourable General, and with the same clearness and perspicuity which characterized the other parts of his

speech, but from which he must dissent. The Honourable General had said, that the advantages which resulted from the evacuation of Portugal by the enemy, and the time gained thereby, were equivalent to all that might have been lost in other respects. This he could not admit, because any time that might be necessary for the reduction of the enemy would have been amply repaid by its consequences. But if, after a considerable loss of time and much effusion of blood, the terms granted were to be such as they were, and that nothing could be done, then, though the Convention might be right, yet he must ask, why send an army to Portugal at all? If the object were not to compel the French to far other terms than those they obtained, he would never have thought of sending an army to Portugal. The Honourable General had stated, that he thought himself competent with the force originally under his command to accomplish the objects of the campaign; it was therefore what he could not understand, why, when that force had been doubled and trebled, no more could be done than to bring the French to the terms stipulated in the Convention. If so, there was a want of prudence, a culpable precipitancy, in the original advance of the Honourable General with so inferior a force; and what was to be thought of the conduct of those ministers, who had sent him out with such insufficient means? If the French force could not have been reduced, after the victories that had been obtained over them, before December, if the Convention was therefore justifiable, why tell us of the superiority of

British troops? a superiority, by the bye, of which he had always been convinced, and had uniformly declared, notwithstanding a base, degrading and degenerate opinion to the contrary, which had for some time prevailed amongst certain descriptions of persons in this country. Had the Honourable General, if the Convention under all the circumstances was necessary, instead of gaining a victory, suffered a reverse, which might possibly have been the case, how could he have escaped from an enemy, that gained such terms, when opposed to a force so greatly superior to that the Honourable General had originally commanded? Reasoning, therefore, upon their own grounds and admissions, he might ask, why His Majesty's ministers had not waited till all the troops destined for the expedition had joined, until they had collected a force sufficient to accomplish the total and complete military reduction of the French army in Portugal? But no: they felt it necessary on that, as on other occasions, that they should appear to be doing something; that they should make a bustle; should support their characters for vigour: Portugal was the first object that presented itself, and they ran at it like an overdrove ox, and as that animal too is said to do, with their eyes shut; not having at all thought what they were to do till after they had got into the country. When a measure therefore came, by which, whether advantageously or not, the object was accomplished which they now profess to have had in view, viz. the getting the French out of Portugal, they were em-

barrassed with their own success, and were not at all prepared with what was to be the next step!

Nothing, therefore, is more completely unfortunate, than the argument, which they now urge in defence of the Convention, namely, that it had the effect of getting the French out of Portugal sooner than could otherwise have been done: For, first, it is not true. The speediest way would undoubtedly have been to have conquered them in the first instance, as the Honourable General would have done, with the troops that he had, and as the other generals do not deny that they could have done with a sufficiency of cavalry: next, it is not at all clear, that even when that opportunity was lost, the expulsion of the enemy by subsequent operations would not have been quite as speedy, and a good deal more satisfactory, than the method of Convention. But lastly, of what advantage was it to the Honourable Gentlemen, thus to endeavour to accelerate the evacuation, when, as it was, it came upon them before they were prepared for it. They are arguing therefore against themselves, when they give as a reason for adopting the Convention, that it sooner left them at liberty to transfer the army to Spain. If this effect was of so much consequence to them, why were they not prepared for it? Or why make such sacrifices for an object, which, when they had got, they were not in a state to make use of?

These points, therefore, are established against them: 1st, That they are answerable for the Convention, good or bad as it may be, inasmuch as it is ad-

mitted on all hands, that it was from the want of means which they ought to have provided, that it became, or was thought, necessary: 2dly, That when they had got this God-send, they were not at all prepared to profit by it; and that therefore, 3dly, If the Honourable General's success had been completed in the way that he had proposed, they would still less have been prepared; and have made it still more evident, that they had sent the troops into Portugal in the most headlong, blundering manner, without the least idea of what they were to do, or what plan was to be pursued in different results that might be supposed.

But the Noble Lord had attempted to answer a part of these charges, by justifying the state, in which the expedition had been equipped originally and sent out; and asserting, that cavalry was not necessary to its success, because victories had been obtained without cavalry. Who had ever said, that victories might not be gained without cavalry? The glorious battle of Maida, the reduction of every fortress was an instance. I wonder the Noble Lord, when he was about it, did not cite the victories of St. Vincent and Trafalgar. There are battles however, which are not to be won without cavalry. But whether that were so or not makes no difference. The question here is not about gaining victories, but about improving them. The victory here was gained, and perhaps with no very material use of cavalry: but for want of cavalry it produced nothing but the Convention, instead of

producing, as is hardly denied, the instant and unconditional surrender of the whole French army.

The Honourable General had stated, that, as the expedition had been originally destined against the Tagus, no cavalry was necessary. And here he must notice the sarcasm of the Noble Lord, in which, with his usual correctness of statement and argument, he had adverted to the expedition sent by the late administration to the Tagus, to which no cavalry was attached. Unquestionably, on an expedition to the Tagus no cavalry was necessary, but though ministers now thought proper to say, that the present expedition had been originally destined for that port, he had hitherto understood, that the Honourable General had been sent out with a roving commission, not certainly authorising him to proceed to the East Indies, to Surinam or Buenos Ayres, but to commence operations upon any part of the Peninsula that he should think proper. The Honourable General did land in a part of Portugal where cavalry was necessary, and consequently the want of that species of force produced the failure of the campaign, and constituted a heavy ground of accusation against the Noble Lord. It had been charged upon the late administration, that they had neither provided nor left to their successors any cavalry transports; but as they had no object for the employment of cavalry, why should they have put the country to the expence of keeping them? The Noble Lord had boasted, that, as soon as he and his friends came into office, they had provided transports for 4,000 cavalry; but if they had had no

object for the employment of cavalry, the Noble Lord must have got the transports for the sake of his argument, and if so, he must say, that the Noble Lord's argument cost the country very dear. Yet when the occasion did occur for the employment of cavalry, the Noble Lord had no provision for their conveyance, and therefore so far as the Convention was bad, as it had been produced by a want of cavalry, so far ministers were condemned even upon their own shewing.

There was another argument which had sometimes been adverted to, and which had been renewed that night, as to the quality of the horses sent out with the expedition, which it would be necessary for him to notice. It was said, that less valuable horses had been selected, in order that the loss to the public should be lighter in the event of their being destroyed; as if they had been sent out to be sacrificed! Why, the same reasoning may be applied to the ordinary comforts or necessaries of life; when we shall see at once its extreme absurdity. What opinion would be entertained of the understanding of a man, who should say, "give me a bad coat, a bad horse, or a bad house, as I shall then lose the less, if they be destroyed?" At this rate men must chuse their possessions upon principles the very reverse of those commonly followed, and instead of selecting the best of every thing, must endeavour to get the worst. This is not the common way. Men calculate commonly upon the value of a thing, while they have it, and not upon the loss they must sustain in losing it,

which must be the greater always as the thing is better. But the Honourable Gentlemen say, "this is a mistake: It is the loss and not the use that is to be considered. Chuse me that which I may part with, without regret." I suppose it was upon this principle, that the present administration was chosen. But does it escape the Noble Lord, that in many instances things good of their kind, besides that the value of the use compensates the evil of losing them, are less likely to be lost? And that part of their excellence consists in that very circumstance? One of the excellencies of a house is that it may be expected to stand long. One of the advantages of a good ship that it is less liable to be lost. This is eminently true in the case of troops and armaments. The capture of good troops is, it will be admitted, a greater evil than that of an equal number of bad ones; but then it must be allowed, that good troops are less likely to be captured. Such a perversion of argument and common-sense never was heard of, he supposed, since the days when reasoning began till the present moment.

The Noble Lord had stated, that it would have been improper to send out a large army under an inferior general; that a large force required, as it were, a large general; but surely it did not follow from that position, that a small army must be sent out with a small general? It was not necessary that the general and the army should fit with such exactness. There was not the same danger in making the

general too big as in making him too little. When he used the word 'little,' with reference to any thing that had passed, he certainly must be understood to mean, little in rank, not little in talents. Why, however, should they not put their best foot forward at once? Why not send out, in the first instance, the proper general with a small army, especially when that small army was to be immediately encreased to a large one? It was from the neglect of this principle, that the rapid supercession of the generals, and all the calamitous consequences of the campaign, had arisen. He could not conceive a more perfect recipe for exciting dissension and jealousy in an army; for sweeping away all cordiality and union from amongst its members; and destroying every prospect of the prosperous issue of a campaign. The Honourable General had stated, that, from the first moment of their arrival, he perceived he could not flatter himself, that he possessed the confidence of either of his successors in the command. This was the natural consequence of the rapid supercession, in which general succeeded general, wave succeeded wave, rising some of them as it were literally out of the sea: assembled upon the stage like persons at the end of a comedy, with all the happiest effects of surprise, some from one part of the world, and some from another, one from Syracuse and another from Ephesus; bringing with them their various views and prejudices, and marring whatever was to be done by their total ignorance of all that had preceded.

"It had been declared to the house and the country from the highest authority in the state, that the Convention of Cintra had disappointed the hopes and expectations of the nation. He wished the Noble Lord then to state, whether ministers had changed their mind; whether they entertained a different opinion with respect to that transaction now and at the time they caused the guns to be fired? Did they at that moment really think the news was good? or were they only endeavouring by noise and clamour, by a bold and confident show of exultation, by firings at midnight and puffs in the morning, to confound the sense of the country, and, as sometimes happens in other theatres, to force, as excellent, down the throats of the public, what they knew in their own minds to be most execrable stuff? He should really be curious to know in which way the Honourable Gentlemen meant to take it? whether they meant to describe themselves as dupes upon that occasion, or as *only* intending to dupe the nation? Among their friends, perhaps, they will prefer the latter description; but as they can hardly venture to profess this publicly, they must be content to be set down as persons, who were unable to discover that this Convention was a bad measure, till it had received the comment of the public voice, till the knowledge of its merits was forced upon them by the universal cry of the country, by the groans and murmurs and hissings and cat-calls, and cries of, 'off, off,' which assailed them on every side, and from every rank or order of people, from

pit, boxes, and gallery. One merit, however, may be allowed them. They did not, like many authors, set themselves obstinately to resist the general judgment, but after the hints they had received, appeared willing at length to withdraw their piece, and to confess that it was, to be sure, a most wretched performance.

But, there was another and a weightier ground of accusation against the Right Honourable Gentlemen, founded upon their total want of foresight in all their military measures, and the culpable absence of any general or comprehensive plan. This lamentable defect was no less obvious in the more enlarged operations of the campaign, than in the particular arrangements which led to the Convention. His Majesty's ministers never seemed to know what to do. They sent out troops before they knew where they would be received; they sent them in a state of equipment inadequate to the object for which they were destined; and, when these troops had at length been brought to act upon the great theatre of the war, the occasion had gone by, when they could be of any effectual use.

As to the Noble Lord's allusion to the campaign of the Pyrenees, he was quite a stranger to its meaning; but he was certain, that nothing had fallen from his Noble Friend to provoke the facetious irony of the Noble Lord's comment. He could admit, that it might be desirable to send a force to reduce General Junot's corps in Portugal, if there had been any room

to apprehend, that that corps could be brought to act against Spain. But, it was well known, that Junot at that time, hemmed in on all sides by the tumultuous but determined levies of an enraged nation, was not in a state to co-operate with Dupont. At all events the defeat of Dupont afterwards settled that point, and left us at liberty, and in very good time, to alter the whole plan of our operations. Junot and his corps could not be better placed any where than as they were, cut off from all communication with their countrymen, pressed upon all sides by the accumulating force of the Portuguese nation, and condemned either to shut themselves up in the fortresses of that country, or by taking the field to expose themselves to the destruction which the vengeance of an irritated and insulted people was prepared to inflict. In this state of things, the question was, Whether it was good policy to make any attack upon Junot with a view to destroy his force? but if that were not good policy, it was still less so, to attack him with a view to grant him such terms as would send him into Spain, from which, whilst in Portugal, he was effectually cut off. Unless ministers were prepared to say that they had been successful before their time, they had no way of accounting for the interval that elapsed before the army proceeded to Spain; and, if they rested their defence upon that ground, they must stand self-convicted of a criminal want of foresight, and were deeply responsible for all the losses which resulted from that unfortunate expedition to Spain having been undertaken too late.

But how would the case have stood if Junot's force had been destroyed or made prisoners of war? What would have been the inevitable consequences of such a result, in the impression it would have made upon our allies, upon our enemies, upon ourselves, and upon all Europe, as to the comparative character of British and French troops? This impression alone was equivalent to most of the objects that campaigns the most successful are able in general to give. Those who think otherwise, must know but little of the state of the world, particularly at the moment in which we live, or of the feelings and judgments of mankind on other occasions. What had we gained at Maida? In point of territory, nothing. In point of acquisition of any pecuniary value, nothing: but we had gained glory, military glory, and this single circumstance was sufficient to render the battle of Maida one of the most useful, as well as most honourable, of any that had ever been fought for the country. By the reduction of Junot's force we should have incalculably enhanced this invaluable national object; that base and unworthy feeling, of which he had before spoken, would have been destroyed; and above all, the French armies and nation would, however reluctantly, have been constrained to admit the decided superiority of British troops. Our army had fought as well at Vimiera as at Maida, but unfortunately the same credit will not be given for its conduct. The troops with whom our force had come to blows would remember their superiority, but the people of France would not

be inclined to admit it upon our statement. Whenever we should claim this superiority, they would quote the Convention against us. They would ask, "What have you gained? What have you to show for your victory? Have you brought home the game? What have you bagged? Have you taken General Junot? On the contrary, is he not now at the head of his division in Spain? Have you made his corps prisoners of war? On the contrary, are they not fighting against you and your allies at this moment in Spain?" It was this loss of glory, this deplorable neglect of the opportunity to make an indelible impression upon the French themselves, and the Spanish nation, as to the striking superiority of the British army, that were most to be regretted in the unfortunate result of the campaign in Portugal. He was convinced, that the Honourable General would not say, that any thing could compensate the loss of so precious an object, and such a golden opportunity.

Upon the whole, therefore, he contended, that His Majesty's ministers, from their want of diligence, from the absence of all the ordinary official activity, from their total want of all general plan, and from the blind inconsiderate way, in which they had conducted the whole of the campaign, stood, even upon their own shewing, condemned before their country, and he should consequently feel it his duty to support the motion of his Noble Friend.

Mr. Perceval (Chancellor of the Exchequer), Mr. Secretary Canning, and Mr. Yorke, defended the Convention, which was

censured by Mr. Whitbread, Mr. Hutchinson, Mr. Bragge Bathurst, and General Ferguson. Upon a division the numbers were,

For the previous question - - -	203
Against it - - - - -	153
Majority against Lord Henry Petty's motion	50

CAMPAIGN IN SPAIN.

February 24, 1809.

MR. PONSONBY moved, "That it is indispensably necessary "that this House should enquire into the causes, conduct, and "events of the late Campaign in Spain." Lord Castlereagh, General Stewart, and Mr. Secretary Canning opposed the motion. Mr. Tierney and Lord Milton supported it. In reply to Mr. Canning,

MR. WINDHAM was determined to confine what he had to say to the objects of the inquiry, and in that case should pass by four-fifths of the speech of the Right Honourable Gentleman. However able the speech of that Right Honourable Gentleman, it had been very little to the purpose. It was an odd moment for the Right Honourable Gentleman to express his hopes, and an odd quarter from which such hopes proceeded, when our army had been withdrawn from Spain, when we had left the Spaniards to fight their own battles. This had something so ludicrous in it, that he wondered it did not remind the Right Honourable Gentleman of the very pleasant lines,

> "He fled full soon
> On the first of June,
> And had the rest keep fighting."

When we had damned their cause, it was no time for us to give the Spaniards lectures upon national energies and perseverance.

But, to go soberly to the consideration of the plan of the campaign: it had been agreed, on all hands, that the crisis was one of the most important, and that a greater hope had never been opened for the salvation of Europe. The spirit of the country had been exalted to the highest pitch; every nerve had been braced, and all classes of the community concurred in encouraging and supporting ministers; yet the event had shewn that there had been an universal failure. When the greatest stake the country ever had was lost, either by ill fortune, or by the mismanagement of ministers, and of those ministers to whom the greatest means were entrusted that were ever entrusted to any ministers, it was full time for enquiry.

There were two things to be considered: first, the propriety of sending troops to Portugal: secondly, the mode of sending them from Portugal to Spain. It would be necessary to ask ministers why they did not send out any force before the 12th of July? and why, after they knew that Junot's retreat was in a manner cut off, and that he could not join Dupont, they sent troops to Portugal? If they were resolved to send troops to Portugal, it appeared as if it would have been better to have waited till the reinforcements joined; for, as it was managed, it appeared a doubtful thing which, of the two armies would have beat. Junot was as confident of success as Sir Arthur Wellesley; and between two such generals, and two such

armies, there was as glorious an uncertainty in war, as in law. But, supposing even that Sir Arthur might feel confident of beating Junot, yet it was not to be calculated that Junot must of his own accord come down to be beaten. "Come down and be hanged, master Barnadine!" It appeared evidently that he could not be compelled to do so; for if, after having been beat, he was able to protract, for many months, a defensive war, he could certainly have done that just as well before he was beat. Although we were the victors, yet, from an unfortunate arrangement made by ministers at home, the conquering general was superseded, and the fruits of the victory were lost. It was the effect of military councils at home, by which Sir John Moore was placed in such a situation as made it necessary to fall back upon Corunna, and to execute that retreat with such rapidity as necessarily exposed our troops to great loss, and risked the capture of the whole army, if by any shift of wind they had been prevented from embarking. Our expedition to Spain was managed in such a manner, as not only to do no good, but to do what was much worse than nothing. We held out to Spain the disheartening example of what we called our best army, retreating from the field without striking a single blow, and on the mere rumour of the enemy's advance. When we left the field in this manner, it was in vain to tell the Spaniards, "Do you go on fighting, my brave fellows, and never mind us." We showed them, by our example, that our best troops could do

nothing, and therefore that there was little chance of their undisciplined peasantry succeeding better.

It appeared a great fault of the military councils of this country, that upon the 12th of July they were so very badly informed of the situation of Portugal, a country where every man was our friend, where information would issue from every pore, that they supposed there were 5,000 French in that country, when in fact there were 25,000. If Spain had been assisted in the best manner, there was every reason to suppose that our assistance would have been effectual, as Spain had, besides her mass (a species of force common to every country), several armies, tolerably well organized, and led on by skilful commanders. He had been often reproached for not expressing as high an opinion as other Gentlemen, of a rising in mass. He should, however, again repeat, that it would be quite idle and childish to expect the Spanish mass, or the mass of any other country, to stop the course of Buonaparté's army, or of any considerable division of it. Let the force of the mass be what it would, be the medium more dense or more rare, the army would pass through it nearly as a cannon ball would pass through the air, without any regard to its density or rarity. An army went where it listed, and was not to be stopped in its course by peasantry. He did not know that the Spaniards assembled at Bayonne were quite as great traitors as they were represented. If they saw, and were perfectly convinced that Spain could offer no effectual resistance to Buonaparté, they might, without much treachery to their countrymen, tell them they were

unable to resist, and that it was better for them to submit at once without drawing all the evils of war upon their heads.

This was a question not unfit for our government, too, to consider; and if it was decided, as he (Mr. W.) thought it was rightly, that a chance did exist of the emancipation of Spain, and that no effort should be spared to assist that chance on the part of this country, then the only inquiry was, what force shall we send? and in what manner shall it be applied? And here it was impossible not to be struck, not only with the total want of plan, but with the total want of all right conception, in the Honourable Gentlemen, of the very nature of the great work in which they were about to engage.

There were evidently two courses to be pursued; either to strike a stroke in the part that first presented itself, namely, on the Ebro, and to endeavour to drive the enemy out of Spain, by attacking him instantly, while his force was small, and when his views upon Austria, or his jealousy of what Austria might design against him, kept his attention divided, and made it impossible for him much to augment his numbers; or, giving that attempt up as hopeless, to proceed at once to what ought to be the general plan of the campaign, with a view of affording to Spain any hope of final deliverance. On the former of these modes of proceeding, though the most tempting, and that which ministers had been most blamed for not endeavouring, he should give no opinion; because, few but those in office could have the necessary means for judging. It was a very nice question, depending

on information of the force which the French actually had, and then the probability there might be of their being able to send large reinforcements, in case they should have reason to think, from observation of our armaments, that we had an intention of acting upon that quarter. There might be danger in that case, not only of the enemy's force becoming so great, as to destroy the hope of our forcing them from the Ebro, but also of their falling in by the way with some of our columns, and of destroying them before we could form a junction with our allies. The time, too, was short, the execution must be prompt, and there was all the difficulty of sending a large force into any of the northern ports of Spain, at a period of the year at all late. This difficulty had not been found insuperable, as had been seen in the case of the Marquis de Romana's army, nor did the probability seem great, that Buonaparté, having once disposed his troops, and settled his measures for a war with Austria, could have suddenly reversed his plans, and transferred his forces, so as to have arrived in Spain by the time our troops had begun to act.

It was not true, either, that the one plan created any necessity of giving up the other. If the force sent to the Ebro had, as it ought to have been, been chiefly cavalry, the force namely which the Spaniards most wanted and which we had most ready and could best spare; such a force, even if found in the event insufficient for its immediate object, could still have been able to take care of itself, and to have retired in safety through Spain, a country of friends and

allies, to that part of the Peninsula, where, at all events, and in every view, the great mass of our force should be collected. This part was no other than the Southern Provinces, the neighbourhood of Cadiz, and Gibraltar. The reasoning that determined this choice was really little short of demonstrable. Whatever force you send into Spain, small or great, can you be sure, even with all the aid that the armies, or masses of Spain can give you, that it will be able to resist the hosts, that Buonaparté can pour in against you, having for his supply nothing less than a sort of inexhaustible ocean, the whole population of Europe? Undoubtedly, the means possessed by Buonaparté were such as to leave but little hope of escape at any rate: yet some there must be, otherwise why did we send any troops at all, or encourage the Spaniards to resist? No one, however, could feel confident or at least certain; and therefore if we send any army into Spain, great or small, we must think of the means, in case of extremity, of bringing them away. The inference drawn by the Honourable Gentlemen from these premises seemed to be, that we ought to send only a small force: much upon the same principle which we heard of on a former occasion, when bad horses were sent, and horses unfit for the service, because they would be a less sacrifice if lost: but, great or small, the necessity of a retreat being provided seemed, to be nearly equal. If the army was large, the stake was greater; and if small, the chance was greater of losing it. Now, there was in all Spain, including Portugal, that is, in the whole Peninsula,

but two places, and those in the same quarter, from which a large body of troops, when pressed by a superior army, could hope to get away, viz. Cadiz, and Gibraltar. There was, therefore, no other part of Spain, where an army from this country, large enough to be of any use, and not a mere flying corps, could with propriety be trusted, except in the neighbourhood of Cadiz and Gibraltar, or in such circumstances as to have its retreat upon one or other of those places always open.

There, therefore, he (Mr. W.) would have collected not only a large army, but the greatest force, that the country, in its then state of zeal and ardour, could by possibility have furnished. There was no reason, why instead of the 30,000, (which those who like at times to dwell so much upon the means of Buonaparté, think at other times would be sufficient) we might not have had an army of 100,000. No one disliked more than he did, the practice of recruiting from the militia: but bad as he thought that, when meant as part of a general system of recruiting, and great as he thought the objections to it at all times, he was still of opinion that there were occasions when such objections must be made to give way; and if ever such an occasion did, or could exist, unquestionably the present was one.

The effect of such an army, ably conducted, was not to be spoken lightly of. He was not prepared to say, that it would have succeeded. Who shall say that any thing would succeed? But as its chances would be better, so would its risks be less. A hun-

dred thousand men with Gibraltar to retreat upon was a far less risk to the country than 30,000 in the situation where the Honourable Gentlemen had placed them; nay, than 30,000, in the very situation spoken of; because, a general must be very deficient in knowledge of his business, very different from the Honourable General opposite (Sir A. Wellesley), who, in such an abundant country, and with such a fortress behind him, would with an army of that amount suffer himself to be prevented from making good his retreat, by any army which the enemy could bring against him.—For, when we talked of Buonaparté's numbers, we must recollect where these numbers were to act. To meet in the south of Spain a British force of 100,000, Buonaparté must bring over the Pyrenees a force of not less than 200,000; to say nothing of the demand that would be made upon him by the large Spanish army, that might be raised in that part of Spain to co-operate with the British, and which the presence of such a British force would help to raise. Buonaparté would have a whole kingdom which he must garrison behind him, if he would either be sure of his supplies, or make provision against total destruction in the event of any reverse. He must fight us at arms length, while our strength would be exerted within distance, with an impregnable fortress at hand, furnishing at once a safe retreat in case of disaster, and a source of endless supply by means of its safe and undisturbable communication with this country.

"And let it not be said, that while the army continued in the south, Buonaparté might continue master of the north; what mastery could he have of any part of Spain, while such an army could keep on foot in any other? And why, in case of success, did the security of its retreat require that it should never advance? He (Mr. W.) should be willing to compromise for that result to Spain, which would enable us and the Spaniards to retain an army in that country, which Buonaparté should not have the means of dispersing.

There was never any thing so demonstrable, therefore, as that the only way of carrying on effectually a campaign in Spain, whatever else you might have done, was to collect your army in the south. Consistent with that, you might have made the trial, if those who had the means of judging should have found it adviseable, of driving the French from the Ebro; and the complete success of that attempt might have spared the necessity of actually landing at Cadiz or Gibraltar, though still always keeping those fortresses in view, in case of being overpowered by numbers. Consistent with that, you might, as was even still more evident, have prosecuted your designs on Portugal, though in a different manner and with different views. If the object was not, as was now described, to get Junot out of Portugal upon any terms; even upon those of removing him, through the medium of our disgrace, into Spain; but to destroy or render captive a French army, then, instead of the sort of predatory desultory excursion on which

the Honourable General was employed, why not send a full and competent portion of the force destined to be collected in the south, so as to have proceeded to their destination through Portugal, and to have swept off Junot in their way? A force raised to the greatest possible amount to which the mind and means of the country,—then elevated above itself and exalted to something of a preternatural greatness, (*majorque videtur, nec mortale sonans*)—could have carried it, should have been placed in Spain in a situation, the only one which the country afforded, where it would have been safe from the risk of total loss or capture, and would not have been kept down by the idea, that the deposit was too great for the country to hazard.

This should have been the great foundation, the base line, of the plan of the campaign. On this the country might have given a loose to all its exertions, with the consolatory reflection, that the greater its exertions the greater its security, the more it made its preparations effectual to their purpose, the less was the risk at which it acted. From this, other operations might have branched out in different directions, as circumstances pointed out. It was scandalous that nothing had ever been done to assist our friends or to annoy our enemies on the east side of Spain, where to a power having the complete command at sea, the finest opportunities were presented, and had been most unaccountably neglected. The history of the campaign to the east, which presents nothing but one universal blank, was one of the parts of this most miserably

conducted business for which the ministers could least set up any excuse. It seemed to have been total neglect and forgetfulness. They forgot that there was such a coast as the eastern coast of Spain; that it was accessible every where to our ships, placed as the high road for the entry of troops from France, inhabited by the race of men, who fought at Gerona and Saragossa; and on the other hand, that we had a large army doing nothing in Sicily, or who, if we were to attempt to employ them where they were, must be employed in worse than nothing. For all operations in this quarter of Spain, Gibraltar afforded the most marked facilities. With a large army stationed in the south, the enemy could never know what detachments we were slipping out behind us, nor with what descents they might be threatened in their rear or on their flanks. The army need never have been idle; nor, what was hardly less advantageous, need never be supposed to be idle. — One general consequence resulting from a station, where an army might have been assembled really worthy of the cause and of the country, and whose utility would have been apparent and striking, was, that it would have given us an ascendency in the Spanish councils, highly advantageous to them, and such as, with tolerably good conduct, might have been made not less popular. — There was no one who would deprecate more than he should any meddling spirit of interference in their internal concerns, or any assumption of a right of control: but the existence of an authority arising from merits and services, from the value of what was

done, and the evidence of what was intended, and which should be applied only to the healing dissensions, discouraging factions, and affording a common centre of appeal to all the upright and well intentioned, was perhaps just the happiest thing that could happen in their circumstances, and such as every honest and intelligent Spaniard must hail with delight.

He could not help perceiving in the conduct of this war, and certainly in much of the language held about it, a certain mixture of that error, which prevailed in many years of the last war, of encouraging sanguine expectations of what was to be done by Austria and other powers, and looking to them for what in many instances ought to have been our own work. Something of that sort prevailed here. With all our talk about Spain, we did not set our shoulders to the wheel, as people would, who felt that they had nothing to trust to, but their own exertions, and who estimated truly what the exertions of this country could do when fairly put forth.

But, the great and pregnant source of error in the conduct of the Honourable Gentlemen, besides the fault of not knowing better, was that which they had in common with many other ministers, and which he had signally witnessed in some of his own time, of mistaking bustle for activity, and supposing that they were doing a great deal, when they were only making a great deal of noise, and spending a great deal of money. While ministers were writing long dispatches, issuing orders in all directions, keeping up

clerks to unusual hours, covering the roads with messengers, and putting the whole country in a ferment; they were very apt to fancy that the public service must be making prodigious advances. And their purpose, the purpose of the ministers themselves, might, very possibly, in the mean while be answered; for the error here stated was not a disinterested one and one without its design. It was thus, perhaps, that an administration was to acquire the character of vigour! The ministers looked at every measure not with a view to the effect which it was to produce abroad, but to the appearance which it was to make at home: they were more intent upon the richness and costliness of the handle of their weapon than upon the keenness and temper of the blade. The public joined them heartily in the delusion; and as long as that was so, we must expect to see the interests of the country and of the world sacrificed to such misconduct, as was exhibited in the history of this campaign in Spain.

There was another topic upon which he felt it necessary to touch. It had been represented, that throughout the north of Spain there was the greatest possible apathy and want of zeal, and that the Marquis de Romana had confessed it. Now, to say nothing of the gross breach of confidence in quoting what the Marquis de Romana had said, if he had said it in private, or the gross fallacy of quoting what he might have said in a proclamation in a moment of spleen or anger, and for the purpose of stimulating the inhabitants of those provinces to greater activity, he must utterly deny the expressions quoted. There could be

nothing more fallacious than to estimate the feelings of a country towards any cause, by the feelings excited in that part of it, which should be exposed to the immediate pressure of an army. If the scene of war, for instance, lay in England, and we had an army of allies, Germans or Russians, or even an army of our own countrymen, acting for our defence, they would not, he apprehended, be very popular, in the places where they were; and there would not be wanting complaints among the farmers, whose provisions were consumed, whose hen-roosts were plundered, whose furniture was stolen, whose ricks were set on fire, and whose wives and daughters might not always be treated with perfect decorum, that the French themselves could not do them greater mischief! Now, if this were true, as it infallibly would be, of English troops upon English ground, might we not suppose that a good deal more of the same sort would happen, both as to the provocation given and the imitation excited by it, when the English troops were to be placed in these circumstances on Spanish ground, and where every cause of dissatisfaction must be aggravated a thousand-fold, by difference of habits and manners, and the want of any common language, by which the parties might understand one another. It must be confessed, too, he was afraid, that we were not the nation who accommodated ourselves best to strangers, who knew best how to conciliate their good-will; and when to all this were added the circumstances in which our army was placed, that we were a retreating army, and an army com-

pelled to retreat with extraordinary rapidity and much consequent disorder, it would not be very surprizing, if neither we appeared to the people nor they to us, in form the most advantageous, or such as to render the inhabitants of the towns and villages on the line of our march, a very fair representation of the feelings and sentiments of the mass of people in Spain. On many occasions, from the fault of the commissariat, or from other causes, the soldiers, when they came in at the end of a long march, had nothing provided for them to eat; and were obliged to help themselves. The inhabitants, in their terror, whether they staid or had fled, had locked up their houses, and nothing was to be got but by breaking them open; and it was easy to understand, that when once soldiers, whether from necessity or otherwise, began to break open houses, further irregularities, without disparagement to the discipline of the army, or character of the men, must be expected. The kingdom of Gallicia, in general, was probably a very unfair specimen, as to what was to be looked for from the rest of the country, not so much, perhaps, from the character of the inhabitants, as from the state of society there, where the gentry were few and of little influence, and where there was almost a total want of those classes which might direct and methodize the exertions of the lower orders, or make them sensible even that such exertions were necessary. — To talk of the Spaniards generally, as wanting in zeal or courage or determination to defend their country, was more than any one would venture, after such examples as Saragossa, where a

defence was made so far exceeding what was to be expected from a regular army, that one might conceive a general made a peer in this country, for having surrendered Saragossa, in circumstances far short of those in which its inhabitants defended it.

The Right Honourable Gentleman concluded with expressing his determination to support the motion for an Inquiry.

Earl Percy, Mr. Bathurst, and Mr. Hutchinson, supported the motion; after which a division took place, when there appeared,

For Mr. Ponsonby's motion - -	127
Against it - - - -	220
Majority - - -	93

CONDUCT OF THE DUKE OF YORK.

March 14, 1809.

ON the 8th of March, Mr. Wardle, moved the order of the day for taking into consideration the Minutes of Evidence taken before the Committee who were appointed to investigate the conduct of His Royal Highness the Duke of York, Commander in Chief, with regard to promotions, exchanges, and appointments to commissions in the army and staff of the army; and in raising levies of the army. He then proceeded to recapitulate the evidence, and concluded by moving an Address to His Majesty, which, after noticing the proceedings of the House on this subject, concluded with declaring,

" That it is the opinion of this House, that the abuses which they " have most humbly represented to His Majesty, could not have " prevailed to the extent in which they had been proved to exist, " without the knowledge of the Commander in Chief; and that " even if, upon any principle of reason or probability, it could be " presumed that abuses so various and so long continued could, in " fact, have prevailed without his knowledge, such a presumption " in his favour would not warrant the conclusion, that the com- " mand of the army could, with safety, or ought, in prudence, " to be continued in his hands: — That on these grounds and " principles His Majesty's faithful Commons most humbly submit " their opinion to His Majesty's gracious consideration, that His " Royal Highness the Duke of York ought to be deprived of the " command of the army.".

To this Address, the Chancellor of the Exchequer (Mr. Perceval) proposed an Amendment, which included the following

Resolution, viz. "*Resolved, That it is the opinion of this House,* "*after the fullest and most attentive consideration of all the* "*evidence reported to this House, from the Committee appointed* "*to enquire into the conduct of His Royal Highness the Duke of* "*York, that there is no ground for charging His Royal Highness,* "*in the execution of his official duties, as Commander in Chief,* "*with the personal corruption alledged against him in that evi-* "*dence, or with any connivance at the corrupt and infamous* "*practices which are therein disclosed.*"

On the 9th the debate was resumed, and Mr. Perceval moved the Amendment which he had proposed on the preceding evening. Mr. Bathurst, taking a middle course, suggested, but did not move an Amendment, recognizing the benefits which the service had derived from His Royal Highness's general performance of his duties as Commander in Chief, but regreting "*an immoral* "*and unbecoming connexion, which had occasioned an inter-* "*ference in the distribution of military appointments, tending to* "*discredit His Royal Highness's official administration, and to* "*give colour to the most criminal and disgraceful transactions.*"

On the 10th the question was further debated, and Mr. Bankes moved an Amendment, in which, after stating that it had appeared from the evidence that corrupt practices and abuses had unquestionably existed, it was proposed, "*to assure His Ma-* "*jesty that it is highly satisfactory to this House to find no ground* "*in any of these proceedings for charging His Royal Highness,* "*the Commander in Chief, with personal corruption or par-* "*ticipation in any profits derived through undue means; but* "*that while we readily do justice to the exemplary regularity* "*with which business is conducted in his department, and the* "*salutary regulations which have been introduced by His Royal* "*Highness, some of which are calculated to prevent such prac-* "*tices as have been brought under our review, we are obliged* "*to express our opinion that such abuses could scarcely have pre-* "*vailed to the extent to which they have been proved to exist,*

" without having excited the suspicion of the Commander in " Chief; and we humbly submit to His Majesty, even if it can " be presumed that abuses so various and so long continued, could " have prevailed without the knowledge of His Royal Highness, " whether the command of the army can with propriety be con- " tinued, or ought in prudence to remain any longer in his hands." *The Amendment concluded with reprobating the example to public morals which the evidence had disclosed.*

The discussion was continued on the 13th and 14th March. On the latter of these days Mr. WINDHAM *addressed the Chair in the following speech:*

SIR,

I HAVE abstained hitherto from delivering my sentiments to the house, because I felt that it was desirable for me to collect, in the course of the discussion, the opinions of as many different members as possible upon this important, delicate, and difficult question, before I ventured to offer any view of my own upon it. If I am now anxious to state my opinion upon the subject, it is because of the crisis of the proceeding at which the house has arrived; because of the mode of proceeding which is next proposed to be adopted; and because very erroneous opinions have been formed upon that mode of proceeding. But, before I enter upon this consideration, it will first be necessary to enquire what is the actual state of the question. Statements have been made to this house, rather than charges, which impute misconduct to the Commander in Chief. An inquiry at the bar of the house has been the consequence, and four modes of proceeding have subsequently been recommended. An Address to His

Majesty has been originally proposed, suggesting what measure should be adopted; then came the Resolution of the Right Honourable the Chancellor of the Exchequer, acquitting His Royal Highness altogether; the third course is that proposed by the Right Honourable Gentleman upon the floor (Mr. Bathurst); and the last is the Address of the Honourable Gentleman (Mr. Bankes), containing an opinion respecting the conduct of the Commander in Chief, and differing upon the whole from the original Address. With any one of these modes of proceeding I shall be able, if necessary, to concur, however I may have a preference of one over the other. I speak, of course, of the forms of proceeding, not of the opinions, by which they may be accompanied or intended to be followed, with all of which it will not be possible to concur, because many of them are in contradiction with each other.

There is, however, a higher and more general question of proceeding, paramount to those just enumerated, which it will be necessary previously to discuss, and which I shall endeavour to explain. — There seems to be an intention of calling upon the house to resolve the great subject before them into certain issuable points upon which separate decisions should be taken, and then upon the decisions so taken, and as a consequence derived from them, to ground an Address expressing the opinion of the house as to what ought further to be done.

However plausible this may sound, and however true it may be, that such is the course which each individual will pursue in forming his opinion, I am clear

that, as a mode of judging to be adopted by this house, or by any other tribunal consisting of numerous members, it is as little true in theory, as it is conformable to general and established practice. With respect to practice, it is obvious, that it is not in this way that the house determines the numerous complicated questions that are continually before it. For the purpose here considered, it is of no consequence, whether the question is of a judicial nature or of any other. The laws of reasoning, and the rules by which one truth is deduced from another, are the same in all subjects. A question of peace and war may involve in it a great variety of subordinate questions, such as, Whether the war projected is consistent with the good faith of the country, and with subsisting treaties, whether it is consistent with its commercial interests, is likely to prove conducive to its object, &c. &c. Yet the house does not come to a separate decision upon these points, and then from these separate decisions, derive its general conclusion upon the whole. It goes at once to the general conclusion, leaving to each man to adjust in his own mind the value to be attached to each of these separate considerations. In fact, in the very plan now proposed, we no sooner lay down the principle, than we feel ourselves compelled the moment afterwards to abandon it: for if we did not, when we are deciding the question of guilty or not of participation, &c. we must say, guilty or not of participation in the case of Sandon, in the case of Knight, and so on in each case to which the question of participation can apply. I protest, therefore, against the whole of this

mode of proceeding, and declare beforehand, that should it be adopted by the house, and should I concur, as I certainly shall, in acquitting the Duke of York of participation or connivance, I shall not feel myself precluded from taking into account, the presumptions established in those very charges, on which I have so acquitted him, in deciding upon the general question of, Whether or no the Duke of York should be advised to withdraw (or the King be advised to remove him) from the situation of Commander in Chief? When I shall have pronounced a verdict of acquittal on all and every one of these charges, I shall have said nothing, that would be inconsistent with the opinion, that the Duke ought, notwithstanding, and with respect to those very charges, no longer to remain in his situation at the head of the army. There would be no difficulty in establishing the truth of the position here laid down, and doing away whatever there was of seeming paradox in it, but I shall forbear from troubling the house for that purpose, as I collect from the gestures of the Honourable Gentlemen, that the contrary is not maintained, and that there is no intention of forcing upon the house a course of proceeding such as I had apprehended.

I shall consider myself, therefore, as at liberty to treat the whole question from the beginning, as one, and not as restricted to the necessity of breaking it into parts, according to a prescribed form, deciding those parts as separate questions, and then, from the result of those separate questions, and the conclusions which the house shall severally have come to upon

them, forming my opinion upon the whole. The main question is, What shall the house do in consequence of the body of evidence now brought before it? What steps shall it take? What resolutions shall it come to? What advice shall it give?

In every view, and for every purpose, it is necessary to consider the nature and value of the evidence, the general heads under which it falls, and the main facts which it establishes. After the close examination which it has undergone, I shall be far from feeling it necessary to go into any minute detail; it will be sufficient for me to state such remarks as seem to me at all material in the character and result of the leading parts of it. Among these, Mrs. Clarke's evidently stands foremost. She is the life and soul of the whole. Her testimony, if it is to be received implicitly, is at once conclusive. We are to consider what there may be to render any part of her testimony doubtful.

Her general situation in the cause is certainly such as to expose her to great suspicion. She is so circumstanced as to be open to strong temptations to falsehood, both on the side of interest and of passion: and what ground of assurance is there that these motives will have been resisted? She is, in the first place, a woman without that virtue which is the great pride and ornament of the sex, and is, in the universal estimation of mankind, the great foundation and pledge of all others. However it happens, or in whatever way it is to be explained, it must be confessed (without wishing to bear too hard upon the frailties of the sex), that

the loss of chastity in women, does carry away with it a great portion of all their other virtues. But, Mrs. Clarke is a woman who is not only unchaste, but is publicly known to be so; that is to say, who is not only without virtue but without shame; who has long incurred and become familiar to the opprobrium of the world; and has therefore set herself free from another security for right conduct, and one which is hardly less strong than virtue itself. It is impossible to have seen her here without seeing what the effect of her trade has been in hardening her against those feelings, which would have operated on most of her sex.

These are presumptions arising from her general character and habits of life. There are others arising from the particular situation in which she stands with respect to the transactions under discussion. She appears in the character of an accomplice. If the acts charged would be scandalous and flagrant in the person to whom they are imputed, she cannot be blameless or guiltless, who carried on a systematic traffic for procuring them to be done. — Upon this subject of accomplices, of the manner in which they are to be admitted into causes, and of the way in which their evidence is to reckon, we have heard a great deal from those, who should be presumed to understand it, but who certainly seem, on this occasion, only to have given a new proof, that gentlemen of the legal profession do not form always the best conceptions of the principles of their own practice. — It may be said, indeed, of the whole doctrine of evidence, whether as we hear it treated daily by living practitioners, or

as it is delivered in books and learned tracts of the most approved authority, that it is, what certain heads of disorder have been said to be with respect to physicians, the *opprobrium jurisconsultorum.* One position laid down has been, that the evidence of an accomplice is to be believed only so far as it is supported by other proofs. If by this is meant only (what it would express however very inaccurately), that no one should be convicted upon the mere testimony of an accomplice, unsupported by other testimony or by other proofs, the position may be readily admitted; but if it is meant that every part of the evidence of an accomplice requires to be so supported, the result must be, that the evidence of an accomplice was of no effect at all, supposing that by support was meant *complete support*, that is to say, evidence so good as to be sufficient of itself. For if by support here is meant only evidence imperfect or doubtful, such as might induce a belief, but not an adequate belief, then this description of the force and value of an accomplice's evidence, is no more than what might seem to be expressed in a simpler and more intelligible manner, by saying that it was evidence of an inferior kind, which had its weight, but was not fit to be relied on altogether. Whatever its value be, it must be something, otherwise there would no sense or meaning in admitting it into a cause. If a witness can add to the credit of another's testimony, it must be by the effect of some credit, more or less, that is due to his own. A witness from whom you believe nothing but what you can prove by other means (or who, according to the lan-

guage that we often hear, is to be believed only so far as he is supported by witnesses that are credible), is no witness at all.

I do not know, therefore, what can be made of a distinction which a learned judge (Mr. Burton) was endeavouring to set up, of the testimony of accomplices being good with respect to collateral or incidental circumstances, but not so with respect to those main circumstances which go to fix the guilt directly upon the party accused. You either give some degree of credit to the accomplice, or you give none. If none, it is needless to call him. If he is to be credited in any degree, the credit so given him, though possibly not the same on all the points on which he may have to speak, will vary by other rules than the mere application of the point in question to the condemnation or acquittal of the prisoner. — An accomplice, with respect to the mere effect which his testimony will have in influencing belief, is in the state of any other witness, whose credibility, supposing his accuracy to be the same, is to be estimated by his temptations to falsehood, and the probity which he may be supposed to possess to guard him against such temptation.

So much for the theory. As to the practice, I am afraid, it is sometimes carried as much beyond the limits to which theory would confine it, as there is at other times a desire to make it fall short of them. The case mentioned by my Honourable and Learned Friend (Sir Samuel Romilly) is a strong proof of this. There can be no doubt, that, if the facts stated form the whole of the case, the prisoner was convicted solely

upon the evidence of a man, who could not have given that evidence, without confessing himself a participator to the full extent, in the guilt charged. The conviction seems to have been a most improper one, and is not rendered better by the reflection, that the man who could have been so convicted, was certainly not a Commander in Chief nor a Governor-General of India.

To return to the case in question. Mrs. Clarke is undoubtedly an accomplice, and on that, as well as on various other accounts, is to be heard with great distrust. But, still, her evidence is not to be rejected nor disregarded: and we are to consider what circumstances there may be to repel or do away a great part of the presumptions arising against her from the causes above stated. Though it may be too much to say (and far more than we are called upon to say by any evidence before us), that she is, generally speaking, an unwilling-witness; yet we know, of our own knowledge, that she has been so in some instances, and must fairly be said to have given proofs of a great degree of moderation and forbearance. These are virtues often to be found among women whose lives and conduct have not been more regular than Mrs. Clarke's, and which she has displayed in several instances in a very marked manner. She would clearly have suppressed all the circumstances connected with Colonel Tonyn's business, if she had not been absolutely forced to produce them by the foolish and scandalous attack made upon her by General Clavering, which completely drove her to the wall, and left her no option

between the production of these facts and the confession (which she could hardly be expected to make, at the moment too, when her evidence was correctly true), that she was a woman wholly undeserving of credit. Her credit, which is impeached by the circumstances in which she stands, is thus in a considerable degree set up again, by the manner in which we have seen her act in those circumstances. She evidently cannot be treated as a woman, who is borne away by a spirit of resentment, which knows no bounds: because she has shown that she is not so borne away, but is restrained by considerations, such as we cannot assume to be stronger than those which, even in a mind as little principled as hers, might prevent the production of evidence, known not to be true.

If such seems to be the balance of the account between the presumptions for and against her credibility, which may be derived from a general view of her situation and conduct, it remains to be considered, how these motives and considerations appear to have operated in point of fact, and what is the general colour and character of her testimony; such as we have heard it delivered, and as we have it now before us. Various attempts have been made to entrap her in her answers, and to find out parts of her testimony in which she may appear to be inconsistent; either with others, or with herself. For my part, I must fairly confess, that these attempts, as far as I can recollect, did not, in any instance, appear to me to be successful. On those points where a difference occurred between her and Mr. Knight, it appeared to me, that Mr. Knight

was quite as likely to be mistaken as she; nothing was more easily intelligible than one of those on which so much stress has been laid, as if it were difficult to be understood why she should express an unwillingness to the mention of the matter to the Duke of York. Mrs. Clarke had denied her having expressed any such unwillingness; answering rather to the inference which she saw was intended than to the fact itself; and committing thereby, if her denial was false, a most unnecessary deviation from truth: for nothing could have been more safe to her, than to admit to the full extent all that Mr. Knight ascribed to her; namely, that she had given a caution to him not to repeat what he had heard, to the Duke of York.—For what is this notion that such a caution could only be necessary, on the supposition that she carefully concealed from His Royal Highness the traffic in which she was engaged? I believe, that she did, in fact, conceal it from the Duke; that is to say, the corrupt part of it. But such a supposition is not necessary, to account for a wish on her part, that what passed in conversation between her and persons whom she was treating with, should not come round to His Royal Highness's ears; because, though he were privy to these things ever so much, there was still reason sufficient, why he should not chuse to be known to be privy to them, and might be very angry at the report of any conversation which should seem to fix upon him that knowledge.

Scire meum nihil est, nisi nec scire hoc sciat alter.

I may know that you take money for these services; but do not let any one else know that I know it.

Of a sort equally unimportant were many other of the inaccuracies or inconsistencies, which were supposed to have been discovered in her evidence. They were, many of them, upon points which she had no interest in representing one way more than in another, or on which, when the opposition was to the testimony of others, there was just as much probability of her being right as they. In general, I must fairly say, they were of that sort, which, instead of detracting from the authority of her evidence, only gave to it, in my eyes, a greater character of genuineness and authenticity. I should have suspected it more, had the inaccuracies in it been fewer. There was just about as much incorrectness as might be expected in the answers of a person, who spoke without design or premeditation on transactions some time past, and which, many of them, had not been at the time the subject of particular attention. It was impossible, indeed, not to be struck by the general air of frankness and facility with which her evidence was characterized throughout. There was nothing of stiffness and preparation. There was no time taken to look for an answer, or to give to it any other shape, than that which it first received in her mind. She wrote a running hand. "She poured forth," as a great critic says of one of our poets, "a negligent profusion; certain of the weight, and careless of the stamp."

With this description of the general character of Mrs. Clarke's evidence, on what grounds, it will be asked, do I afterwards reject the truth of it? And, admitting the truth of it, how can I resist the conclu-

sion, that the Duke of York is guilty to the full extent? The answer is, that I do admit the truth of her testimony in all the parts to which the description, above given, will apply; but that the description does not, nor by its nature can, apply to those parts by which alone the Duke of York must stand convicted.

It has not been observed sufficiently, that Mrs. Clarke's evidence must be divided into two great heads, very unequal in bulk, and very unequal in consequence; and the largest, as it happens, not that which is most important. In all that part of the case, being nine-tenths or ninety-nine hundredths of the whole, which relates to the existence of a corrupt traffic for the disposal of commissions, and to the transactions which took place in consequence, Mrs. Clarke's evidence deserves the character which I have given of it; and is, I believe, true. But all this, without further aid, tells nothing as to the object of the prosecution, viz. the guilt of the Duke of York; whom no extent or variety in the existence of the abuse will ever touch, unless it can be shown, in some degree, that he was, or ought to have been, cognizant of it. Now, this it is, that makes what may be called the second part of Mrs. Clarke's evidence, to the truth of which, no inference can be drawn from the truth of the first; for it is subject to none of the same constraints, nor can be judged of by any of the same criteria. It consists of half a dozen sentences, in which she speaks without the possibility of detection or confutation, or indeed, even of contradiction, except from the party himself. When she has told with per-

fect truth all her transactions with Knight, with Donovan, with Sandon, with Clavering, nay, many with the Duke of York himself, that which is to give effect to the whole, which is necessary to make any part bear upon its object, is a declaration that she in private conversations (conversations so private, that nobody was, or, it may be, could have been present,) had made known all that she had been doing, to the Duke of York. Without this, all the story comes to nothing: and what connection is there between the truth of the story, and the truth of the declaration of her having told that story to a particular person? Mrs. Clarke (I am among the first to admit) delivers her evidence throughout with the confidence and facility of a person who was speaking truth: but the presumption thence arising, as to the actual truth, is not the same in all the parts of her evidence. Where it relates to matters falling within the cognizance of others, she proceeds fearlessly, she speaks confidently, because she is in fact speaking truly; but in other parts, far more material, she may speak with confidence only because she knows that, whether speaking truly or falsely, she is safe from detection. No one can ever convict her as to the truth or falsehood of declarations, said to have passed only between her and the Duke of York. Here she is covered with a shield of impenetrable darkness: she may say whatever she pleases; conviction can never reach her. In all the other parts of her evidence, she might safely tell the truth, because the truth was abundantly sufficient for

all purposes, if it could be shown only that the Duke was acquainted with it.

It must never be forgot, that the proof of this last point, namely, the knowledge which the Duke had of the criminal parts of these transactions, rests entirely upon Mrs. Clarke, with no other support than what she can derive from Miss Taylor. I am far from approving the attempts that have been made to discredit and disparage Miss Taylor, or from thinking that they have been at all successful. Indeed, their success would have been, in a great measure, their justification. If Miss Taylor's character was really bad, so as to render her undeserving of credit, the interests of justice required that it should be shown to be so, however the means employed for that purpose might be attended with consequences painful or prejudicial to her. But the attempts were neither successful, nor did they seem, many of them, to have been fairly directed to their object. What idea could we entertain of Miss Taylor's credit being destroyed as a witness, because she had not the virtue (if virtue even it would have been, in all the circumstances of the case) to break off all communication with Mrs. Clarke, her relation and benefactress, the moment she found she had formed an improper connection with the Duke of York? This might have been right: I will not say, that it was not: but it was a stricter right than we were accustomed to exact from persons from whom it might more fairly be looked for. Would we take this rule in our hand, and apply

it to the trial of all that might be found in higher life?

The fact is, that if Miss Taylor's testimony is to be arraigned, it must be on the ground of circumstances in the testimony itself, and not of the person who gave it. The case here is the very reverse of the former. Mrs. Clarke is a bad witness giving a good testimony. Miss Taylor is a good witness giving a testimony liable to considerable suspicion. Let Miss Taylor's evidence be examined in this view. The most unpleasant part of it is the expression, "How did he behave to you, Darling?" Many Gentlemen have thought that this might be explained to mean, what was his general conduct towards you, in respect to being importunate and troublesome? But I confess that it was difficult not to understand the word "behave" in a more restricted and technical sense, well understood among persons in the class of life in which Miss Taylor might be placed; and it is no answer to say, that Miss Taylor, or those whose expressions she was repeating, might not be persons very nice and critical in the use of their terms. There are no persons more correct in the use of such terms as they employ at all, than those whose vocabulary is small, and who use it without reflection or premeditation, merely to express ideas of daily occurrence, in conversation with persons as little studious of language as themselves. There is nothing so true as habit. While there is no ambition in the speakers to speak beyond themselves, the same words are used to denote the same ideas, and contract by use a degree of

precision, which can never be given them by thought and study. I would pit the most illiterate person in this country, against the most learned professor of Dublin or Edinburgh, in the use of the words *shall* and *will;* and if I had heard in any part of the evidence, those expressions, now so familiar, of a person having done this or that '*before going* down stairs, '*before getting* into the coach,' I should have been sure that they were either not truly repeated, or were not the expressions of a native of this part of the island. I cannot satisfy myself at all, therefore, that if this expression of 'how did he behave?' was truly cited, it did not signify all that was meant to be imputed to it. But I may easily doubt, whether the expression was truly cited; and whether in the recollection of a conversation, not very recent, and having nothing at the time, as far as appeared, to impress that particular part immediately on the mind of the witness, a little change may not have been introduced, insensible at the moment, but so establishing itself after a few repetitions, as to maintain its ground against any subsequent effort of recollection to set it right. I cannot lay much stress upon a circumstance, which to some Gentlemen has appeared of importance, viz. that Miss Taylor should have recollected so accurately the particulars of this conversation, and have forgot so much of what had passed at later periods. Of irregularities of this sort, no one can fail to find examples in himself every day. The real circumstance of surprize and suspicion is, that Miss Taylor should have so little recollection of what had been said to her sub-

sequently in respect to this very conversation. She comes here with her story evidently ready cut and dry. It was not a point that had arisen unexpectedly in the course of examination, and on which she had related what her recollection furnished at the moment, as was often the case with Mrs. Clarke; but she is brought to tell this very thing, which must therefore have been the subject of previous conversation, and then seems to recollect nothing of what had at any time passed upon it. It is impossible not to regard a testimony so circumstanced, considering what it is in the case, from what quarter it comes, and in what manner it is produced, with some degree of suspicion; and to suspect here is to suspect the whole foundation of the question. The persons who look at this case loosely and carelessly, in the way in which it is looked at by ninety parts out of a hundred of what are called the public, never perceive upon what a slender foundation the whole rests, upon what slender pivots it is made to turn; they see a vast deal of charge, a vast deal of suspicion, a great mass of abusive practices, a great variety of facts, much the greater part of them proved; and they conclude from hence, that a great portion of the charge is proved. But when the matter comes to be examined as those ought to examine it who are to sit in judgment upon it, it is found that the only two points in which this bulky and imposing mass is made to touch the Duke of York, are in the evidence of Miss Taylor and Mrs. Clarke; Mrs. Clarke speaking to communications made by her to the Duke with no person present, and

Miss Taylor coming in in support of her friend, in a solitary instance, and where the whole force of her testimony depends upon her correctness in the report of a particular expression. The passage in the note to General Clavering, I think, proves nothing but that which has been proved over and over, and need not be disputed; namely, that Mrs. Clarke made applications to the Duke for objects of this sort, and that the Duke did not always prevent her, as indeed it would be difficult for him to do, from talking to him upon such subjects. What is wanted is a direct proof, or adequate presumption, that the Duke accepted her recommendations, knowing them to have been obtained corruptly; and evidence to this effect we have none, except in the declarations of Mrs. Clarke, and the story, which I have been just examining, of Miss Taylor.

This was all that we had upon that head in the shape of testimony. There was, it was urged, the general presumption, arising from the rate at which the Duke of York saw his mistress live, compared with the money which he allowed her. Knowing that the one was inadequate to the other, the allowance to the expence, he must have been satisfied, it is said, that she had indirect means of profit; and these could be no other than bribes received for the exertion of her influence. It may be true, that the Duke of York ought to have made this calculation; but nothing appears to me more natural and likely than that in point of fact he did not. Persons bred to small fortunes and to economical habits, may find a difficulty

of believing how any one could much mistake in the proportion between his income and expenditure: yet, surely, examples of such mistakes are not wanting, nor fail to occur daily, even in the lower walks of life; and much more may they be expected in persons placed from their infancy above the want of money, and whose minds have been directed to any thing rather than to the management of their own affairs. There is no limit to the errors which such persons may commit, when endeavouring to form such estimates; and who knows that the Duke of York ever thought upon the subject? He had not only his habits of idleness, but his habits of diligence, to contend with; and if any one would form to himself an idea of the business which a Commander in Chief has to go through every day of his life, and which the Duke of York does go through, he would neither wonder at, nor be much disposed to blame, any instance of ignorance or inattention that might occur in the management of his private affairs. Much of Mrs. Clarke's expences, too, never came within the cognizance of her protector, and many of them possibly were never intended to do so. Her great dinners were all necessarily given when he was not present.

The reasoning, therefore, that would fix upon the Duke of York the gross charge of having connived at his mistress's corruptions, inasmuch as he must be presumed to have known, that she could not otherwise have gone on without a greater debt than she was found, in fact, to have contracted, is of a nature infinitely too loose and uncertain to be allowed of for

that purpose, whatever shade of suspicion Gentlemen thinking more of it than I do, may consider it as casting over the whole of the case.

Here the case may be considered as closing, respecting that part of the charge on which the illustrious personage in question, and all those interested in his reputation, must feel beyond comparison the most jealous; I mean that gross and foul part which would impute to the Royal Duke the idea of participation or connivance. The whole of this, with the aid of such a surmise as that which I have recently adverted to, rests on the sole assertion of Mrs. Clarke, or if you please, of Mrs. Clarke, backed by Miss Taylor. All the abundant proofs contained in the other parts of the evidence, the direct, the circumstantial, the proof by inference, the proof by assertion, tell nothing as to the point really in question, namely, the knowledge of these things (meaning always the corrupt part of them) by the Duke of York. With all your efforts, you never can get beyond the evidence of Mrs. Clarke and Miss Taylor; Miss Taylor, moreover, contributes nothing but a single and doubtful sentence. Yet, with three-fourths of those whom we hear talk upon the subject, the case is thought to be proved with a force of evidence that nothing can resist. There never was such a strange and blundering misconception; unless, indeed, it shall be said, that such are always the misconceptions on subjects of legal proof, by those who have not the means, or will not take the pains, or do not possess the habits or talents, to examine them with legal accuracy. The proofs of the existence of the

thing, are given throughout, as the proofs of the Duke of York's knowing it. Nobody ever doubts of the existence of the thing — that there was a corrupt traffic carried on by Mrs. Clarke, and others. Of that we have evidence without end; even if it were necessary to ask for any other than that of Mrs. Clarke herself. There her evidence is conclusive; it is the very best that can be had in any case. But her testimony, which is the best for that purpose, namely, to prove her own practices, is altogether as bad, when applied to the other purpose, which is all however that we have to do with, of proving by her *ipse dixit*, that the Duke of York was privy to them. Upon this evidence, however, we are now required to come to that conclusion.

The other heads of charge in the cause are, comparatively with these, and as I think, in themselves, of so little magnitude, that though they have assumed a great consequence in the eyes of some gentlemen, I cannot bring myself to dwell upon them at much length. The moral part of the question, as it is called, is one that, many Gentlemen think, ought of itself to call for the animadversion of the house. I certainly do not mean to set up a justification of that part of the Royal Personage's conduct; but not feeling that this is a matter on which the house is called upon to animadvert, I do not feel that I *am* setting up a justification of it, by endeavouring to dissuade the house from taking any cognizance of it. Something must, after all, be yielded to the general habits and manners of the world; and something also to the

situation of persons placed in the rank of life of the Royal Duke; who, being deprived originally in marriage, of much of that free choice which is the happy privilege of persons in humbler stations, ought not, perhaps, to be called upon for an equally rigorous discharge of the duties attached to that state. There must be something, moreover, of general harmony and uniformity in the conduct both of individuals and of collective bodies, if they would wish either to gain credit for their motives, or to give authority to their example; or not to risk the exciting feelings of ridicule, where they are anxious to impress sentiments of deference and respect. I am afraid, that the present state of manners in this country will not admit well of a solemn resolution of the House of Commons to censure the Commander in Chief for keeping a mistress. If this were true in general, there is nothing to render the present instance an exception, so far at least as relates to those decent precautions and observances which, by preventing the evil example from becoming public, do away, it must be confessed, a considerable portion of the mischief. It appears by the evidence, that the Duke, in his visits to his mistress, preserved as much secrecy as it was easy for him to do. He never went in his carriage or on horseback; he never was attended but by one servant, and that servant always the same. If a Commander in Chief is to have a mistress, one hardly knows how he should regulate his misconduct, so as to render it less injurious to the public morals. Those indeed, who urge this topic, hardly seem to consider it as a ground of charge which the house would have done right to

take up originally, though they are willing now to treat it as a substantive charge. By the bulk of the house it seems only to be considered as a subject of animadversion, in as far as it has practically led to consequences injurious to the public service. These consequences are of two sorts; first, the injury done to the service by the adoption of recommendations, likely in many instances, to lead to improper appointments. Secondly, the scandal given to the service and the country, by the suspicion that appointments were to be so obtained. From the former of these the Duke of York stands, in a great measure, acquitted by the very evidence brought forward to condemn him; because Mrs. Clarke herself states throughout, that the recommendations which she delivered in could only expect to succeed on the supposition that there was, in the things themselves, nothing improper; nor do I know, that in the case produced, there is any in which this condition does not appear to have been observed, except one, which I will speak to presently. I do not mean, however, to justify that sort of influence, which seems here to have been permitted, even when guarded by the condition supposed to have been annexed to it; because there is often a wide difference, if I may so say, between what is not improper, and what is proper. The mistress might recommend a man to whom there was no formal or official objection, but who yet was very far from being the person whom the Commander in Chief ought to have selected. There is no greater abuse either in the army or in the whole service of the state, nor which leads to more extensive consequences,

but which is at the same time more inherent in the nature of things, and more impossible to be got at, than the abuse of patronage, in giving to favour what ought to be given only to merit. But I wish I could think that this was confined to commanders in chief's mistresses, and that in failure of theirs, other influences would not succeed, by which, in the allotment of promotions and preferments, merit would be quite as much disregarded. Would the influence of members of this house for instance be solely guided by the consideration of merit? Would the recommendations of fashionable ladies in the society of this town, be always directed to purer objects, or not sometimes to the very same, as those with which Mr. Donovan or Captain Sandon supplied Mrs. Clarke?

Of persons chosen, or of things done at her recommendation, absolutely out of rule, and which can be described as being improper in themselves, I know, as I have said, but of one or two. French's levy, which occurs to me at the moment, as additional to the one to which I have before alluded, is a very bad case, and such as may well be suspected to have originated in influence like that of Mrs. Clarke's. I have been long acquainted with its merits, and have contributed possibly in no small degree to its downfall, by papers respecting it which I (or an Honourable Friend of mine) have moved for in this house. Nor can I profess that I am satisfied with any of the explanations that have been offered; though, here again, I should say, that those explanations were not so insufficient, nor the vices of the measure so evident from the be-

ginning, as to make the adoption of it impossible except for some unworthy and sinister purpose. The other case is of a different description, of a description, indeed, peculiar to itself, and upon which, therefore, I shall say a few words. It is the case so much insisted upon of Samuel Carter. There is no case in which the Duke of York lies so much at the mercy of his accusers, but upon which he might so much have hoped for that mercy, which however he certainly has not found. It is a case for which there is no defence, but for which, in every generous and liberal mind, I should have thought, there would have been all possible excuse. Is there a bad motive to be found in it from beginning to end? Mrs. Clarke had here none of those interested motives, which were apparent and were avowed in other instances. She had no money to make; no favourite to serve; no one whom she could wish to benefit but from motives that did her credit, and which belong to that part of character which is often found not to be lost when other virtues are no more. Had the Duke of York any bad motive? A compliance with the wishes of a mistress is surely not criminal, where those wishes are such as would do no discredit to a woman the most virtuous. But the thing itself, it will be said, was wrong. It was an indignity and insult to the army, to put among its officers a person taken from the condition of a servant, and that, too, a servant in the family of your mistress! a sentiment, which would probably in conversation be expressed in shorter and more forcible terms. The observation would be more just, if it could be added

with a truth, that such a principle had ever for a moment been avowed: but what is done clandestinely, and with a purpose of being for ever concealed, though it may be an injury, can hardly, even in propriety of language, be called an insult. As for the injury, it must here, as in every other instance, be estimated by the peculiar circumstances of the case; and who shall say, that there are not daily admitted into the army, and unavoidably admitted, persons more discordant from its character and manners, than (it might happen) the person here in question? He is stated to have been well brought up, to have been well disposed: he was probably, though illegitimate, the son of an officer, and of an officer who had claims upon the service, and who, though too poor to educate this young man as his own son, had not so entirely neglected him, as not to have qualified him in some sort for what fortune might do for him. While those who wish to depress him to the utmost, with a view of giving to the charge every thing that can be most invidious, are studiously characterizing him as a foot-boy, they are not aware, that what they mean as the greatest aggravation of the act, is in fact a mitigation of it. To have been a foot-*boy* is much less than to have been a foot-*man*. The circumstance of the duration of the time is not little; no one can be a foot-*boy* for very long. He will not be equally known to have been so, nor (which is not of less consequence) will he be equally remembered. He will not be equally liable to be recognized, by his companions, walking into the parlours and drawing rooms of those houses,

where he has formerly waited in the lobby. But what is still more important, he will not have been equally contaminated by the manners and habits of that condition of life. Every one has done and suffered in his youth without degradation, what would be disgraceful and intolerable at a more advanced period. The stains contracted in youth may be purged off and disappear before the boy becomes a man. The mark wears out of his mouth; and there is no reason not to believe, that, but for this unfortunate inquiry, and the very unnecessary and cruel manner in which the fact has been brought forth, the appointment of this young man would have been an act perfectly innocent as to its consequences, neither injuring any interest nor shocking any feeling, which persons most jealous of the honour of the army could have entertained. On the point just touched, upon the manner in which this fact had been brought out, it is impossible not to contrast the conduct of many Gentlemen upon this occasion with their language respecting Miss Taylor. I have already said, that I disapprove many of the attempts made to discredit Miss Taylor, and to force into view circumstances of her history and family, which she has been naturally studious to conceal. But why do I disapprove these attempts? Because I think that, while painful and injurious to her, they were unnecessary to the cause. But what shall be said, in this view, of the conduct pursued towards Mr. Samuel Carter? Is it less cruel and cutting to his feelings, an officer bearing His Majesty's commission, to have these circumstances of his early life brought to light,

for which certainly he is not blamable; and himself held out as a disgrace to his profession, so that, being thus branded, he may find it impossible to remain in it? Here is a pretty good attack upon his feelings and upon his interests into the bargain. And where is the necessity for it? Mrs. Clarke has expressly stated, that she entreated and stipulated, as far as she could, that Samuel Carter's case should not be brought forward. The Honourable Mover therefore, if this assertion of Mrs. Clarke is not mere pretence and grimace, has not acted with much gratitude towards his witness and informant, even if he should be able to acquit himself upon the score of good faith. But what was the necessity of this for the interests of the cause? What is the necessity, compared with that which may justly be alledged in the case of Miss Taylor? Was not it charge enough against the Duke of York, if it could be fairly made out, that he had connived at the sale of his patronage, for the purpose of putting money into his mistress's pocket, but that you must take in, merely *ad invidiam*, and to excite against him the clamours of the army, and of those who had the honour of the army at heart, that, without any such base motive, and through mere compassion and kindness, he had bestowed a commission upon a person, whose condition of life, if known, would make the appointment highly offensive? But the importance of Miss Taylor's credit and evidence to the cause is of another kind. She is the sole witness that came in aid of Mrs. Clarke, in that part of her testimony, which went to fix upon the Duke

of York a privity to her corrupt dealings; and Mrs. Clarke, as that statement implies, and as I have largely discussed before, was the person upon whom the whole of the cause in that respect rested. It is of vital consequence therefore, that Miss Taylor's credit should be sifted to the bottom; and those gentlemen have had a fair excuse to make, who in pursuit of that object may have pushed their inquiries a few degrees beyond what is absolutely necessary. Yet we have all heard, how pathetic the lamentations were, which were poured forth over the sufferings of Miss Taylor, and how fierce the indignation was against those who were in any degree the cause of them, while in the same breasts, the most stoical apathy had prevailed towards the wounds, so unsparingly and wantonly inflicted on Mr. Carter, who seemed to be of no more account with the Honourable Gentlemen, than a mere stock or stone, forming a very fit weapon to be hurled at the head of the Duke of York, but having no capacity of feeling or of being hurt himself. I should have liked a little more impartiality in the feelings as well as in the arguments of the Honourable Gentlemen alluded to. — It does not appear, though the fact may be otherwise, that this influence of Mrs. Clarke, however improperly admitted, or by whatever causes put in motion, has produced any worse appointments or led to any more exceptionable arrangements, than might have been likely to happen had she been wholly out of the question. Except in the two cases referred to, viz. those of Carter and French's levy, there is nothing that seemed even to call for explanation.

Still it would have been a great evil and scandal, if the Commander in Chief's mistress was to be the channel of application and favour, in whatever manner she might have used her influence. That she should never be allowed to open her lips upon such subjects, that no friend or connexion of her's should ever obtain through her means what he might have obtained at the recommendation of any one else, is a degree of strictness which it would be needless to require, because it is impossible to be hoped for. To exact it would only be to say in other words that no person having patronage to dispose of should ever keep a mistress: because, as long as that evil should exist, the existence of influence to such an extent as was here supposed, could hardly fail to make part of it. That an opinion prevailed of an influence to a far greater extent being possessed and exercised by Mrs. Clarke, and that many persons, not likely to part with their money lightly, did advance considerable sums under that persuasion, is to me no convincing proof that the thing was true: because there is no folly so great, into which the love of gain and the greediness of pursuit do not betray even what are called sober people; as we see daily in lotteries, and in the numerous bubbles which are continually occurring: and because there is no opinion more prevalent, among certain classes of people (judging, it may be presumed, from their own feelings and practices), than that there is not any thing of any sort which is not to be had for money. Of this we have had the most striking proofs in facts that had come out in the course of this very inquiry, but with-

out making part of the cause itself. What can be more striking in this view, than the conduct of that wretched creature Beasley, who thought that he had nothing to do, but go with his money in his hand, and purchase a piece of church-preferment from the Duke of Portland. If any one believes that these things are done, or any thing having the most distant resemblance to them, by persons, I won't say of the rank and character of the Duke of Portland, but having any claim to the character of a gentleman, and filling any office of credit in the state, he may believe that the prevalence of the opinion is an additional presumption of the reality of the thing; but otherwise, it tells only in the way in which I have cited it; namely, to show what the gross and foolish ideas are which are entertained upon this subject, even by persons from whom better might be expected. It is idle to say, that experience would soon teach them; that they would soon learn by the event, whether the methods which they employed were successful or not. In the first place, the persons are not necessarily the same; but if they were, how numerous have been the instances at all times and on all subjects, practical as well as philosophical, where many have gone on upon a supposed experience, and have imagined a connexion between the effect produced and the means employed, which yet has had no existence. Half the great delusions of the world are of no other character: they see the fact, and they suppose the cause. These people give money to procure promotion: and promotion is often procured; but in many instances (as we have

seen), because the applications are of a sort, which would succeed equally in any other hands. Still the man who has given the money will, for that very reason, and that he may not stand as a dupe in his own opinion, be willing, and even desirous, to believe, that it is his money that has done the business. But the most conclusive proof of the facility with which men delude themselves upon these subjects is, the fact which we have in the very cause before us, namely, that people went on in their applications and in their offers of money to Mrs. Clarke, after her connection with the Duke of York had ceased, and when her influence of consequence was at an end. The fact that the Duke of York had got another mistress, and the inference from thence that the former mistress would hardly retain much influence, were neither of them, one should think, so difficult, the one to be ascertained by inquiry, and the other by reasoning, as to have escaped those sagacious men, who, it is said, never lay out their money but upon good grounds; yet we see that, somehow or another, men were not wanting, whether sagacious or not I leave to others to determine, who continued to place their hopes in, and to advance their money to Mrs. Clarke, when her means of serving them had become entirely extinct. We should no longer, therefore, lay any stress on the argument, that the influence must have existed, for that otherwise, men would not have gone on laying out their money in purchasing it. The probability is, that there is not a single man in office who has not some one about him who is selling every day the exer-

cise of an influence over him, of which the principal has not the least perception. — Of this sort might very well be the influence supposed to be exercised by Mrs. Clarke, who, though she actually had, I have no doubt, *some* influence, yet might very well by a dextrous management of her applications, by a judicious choice of her instances, by accommodating skilfully her language among her expectants, to what she could draw from her Royal Friend of the state of the fact, contrive to give to herself an appearance of ten times as much as she had, and to effect that, with the possession of some real influence, which so many accomplish without any at all.

The acts here supposed, as they apply directly to the question of the Duke of York's knowledge of what was passing, connect themselves naturally with another topic nearly akin to it, which I forgot to introduce in its proper place, and which has been much agitated under the name of connivance. Many Gentlemen have thought that a distinction can be taken between connivance and criminal connivance. I for one am not at all interested in such a distinction, because I am prepared to deny connivance altogether. I doubt indeed, whether the distinction can be successfully made. If the etymology of the word is to be our guide, it is as difficult to split a *wink*, as to split a hair: and if we are to follow the ordinary acceptation of it, the distinction became impossible, for connivance by the very force of the term is commonly made to include in it the idea of criminality. In that view to attempt to separate connivance from criminal con-

nivance is to attempt to separate a thing from itself. But if nothing more is meant, than that men turn their eyes unwillingly to facts, the existence of which would give them pain, that they are slow to admit unwelcome truths, there is nothing more easily understood or more familiar to every man's observation and practice; not in cases only where no criminality exists, but where from the nature of the thing none can possibly be suspected. What cases are more familiar than those of persons resisting to the last moment the belief of misconduct in those near and dear to them? not because they wish well to that misconduct, not because they are desirous of its continuance, but on the contrary, because the existence and continuance of it is a subject of the greatest dread, is the greatest affliction that can befall them. Will any one say of such persons that this slowness of belief, this unwillingness to be convinced of the misconduct of their wives or sons, is criminal connivance, and that they are parties to these acts which they deprecate? Are people criminal parties to the dreadful maladies that threaten their own existence, because they shun enquiry into them, because they long disguise them to themselves and conceal them from others, because they dread to take opinions, for fear of what those opinions may discover to them? —a species of connivance, it is to be feared, to which numbers are daily falling victims, to whom, whatever else may be imputed to them, it would never certainly be imputed, that they are friends to the evils, which they thus avoid to acknowledge. A blindness of this description is very likely to have

existed in the instance in question, and may account for much of that with which Gentlemen seem to have been so much embarrassed, between the unwillingness of imputing to the Royal Person any thing so shocking as a wilful tolerance of such abuses, and the difficulty of believing that no suspicion of their existence ever entered his mind. A suspicion may very possibly have entered it, and have passed away, as such suspicions often do, without leaving any trace behind, or have been dismissed, as men do subjects that they are afraid to contemplate. We may surely allow to the Duke of York as much incredulity about Mrs. Clarke's infidelities in respect to bribes as about her infidelities of another sort. If he could be so blind as not to suspect her with Dowler, where suspicion might be expected to be pretty much awake, we surely have no right to presume that he must have been so vigilant and clear-sighted with respect to her transactions with Donovan and Sandon.

An observation of a contrary tendency has just occurred to me, which though not very important, nor occurring in its proper place, I do not care to omit. — In the endeavours to discredit Mrs. Clarke's testimony through the medium of instances in which she has evidently not spoken the truth, sufficient stress has not been laid upon the circumstance of her evidence not being upon oath: nor, except by my Learned Friend (Sir Samuel Romilly), has the effect of that circumstance been properly argued. It is not sufficient to say that if the parts of her evidence in which she has departed from truth, (as where she denied having

seen Dowler, &c.) were given not upon oath, so likewise were all the other; that the proportion of the credit due to her in the different parts of her testimony is in consequence the same, so that she, who in an evidence, not delivered on oath, speaks what is false in one part, is as little to be credited in another, as she, who forswears in one part, is to be believed on her oath in another. This proportion does not hold good. It is obvious that it does not, by the common practice of life, without entering into the argument upon the subject. There are a thousand licensed deviations from truth by persons not speaking on oath, which do not in the smallest degree impeach the veracity of these persons when speaking, though still not upon oath, on any grave or important occasion. The principle plainly is, that men, when speaking not upon oath, think themselves authorized to exercise a discretion, founded on a consideration of the subject and of the circumstances, or of the degree in which a strict conformity to truth is exacted from them. A deviation in one part therefore implies no failure of that sense of duty, which should ensure veracity in another. 'On oath' on the contrary is understood, and meant to have the effect of excluding all discretion. In evidence upon oath all deviations from truth are alike; *omnia peccata erant paria.* The common expression 'enough to swear by,' may be traced to that root — the consequence is, that he who swears false in any part of a testimony may justly be suspected of swearing false in every other. He who offends against the law in any part is guilty of the breach of the whole law.

Mrs. Clarke's credit therefore in my opinion is not to be impeached, at least not materially so, in consequence of the deviations alluded to, as it would have been had she been speaking on oath — the grounds of my distrust (it is not necessary for me to say disbelief), of my refusal to consider her evidence as conclusive, is, that she is not entitled to be believed on her own mere assertion, in circumstances where she has the strongest temptations to falsehood, and where she knows, that, say what she will, she is secure from all possibility of detection.

It does not occur to me, though many smaller points have, I am aware, been omitted, that there is any thing important with which it is necessary for me further to trouble the house, on this great division of the cause, viz. what is the opinion, which the house ought to form, of the guilt or innocence of the Duke of York in respect to participation or connivance. When I give a decided negative to each of these charges, it still remains to be considered, agreeably to the principle for which I have strongly contended in the beginning, what it is fit for the house to do, in respect to the continuance of His Royal Highness in the high and confidential situation which he has held. Nothing is more clear than that the degree of proof necessary to convict a person of a crime, is far different from that which is sufficient for the removal of him from a situation of trust and confidence. The removal of persons from such situations, however painful to the persons removed, and so far partaking of the character of punishment, is often a matter merely optional, and

which requires no reason to be assigned; and even where reasons are necessary, or ought to be assigned, as in great public concerns, they are of a sort wholly different from those, which are required in cases of criminal judgment, that is to say, where, for alledged offences, pain or loss is inflicted on an individual, in violation of rights which he would otherwise have possessed. Who ever thought that a judicial process was necessary to induce this house to concur in an address, entreating His Majesty that he would remove his ministers? It may be fit that ministers should be removed, not only without a crime proved, but without a crime alleged. Though I should dislike the case, it is impossible to deny, that ministers, with all the merit that men can possess, may become unfit for their offices, may be rendered incapable of serving the country, merely because the country, on grounds the most erroneous, has chosen to consider them so. I deprecate (no body more) the sacrificing any one to public opinion, nor should any thing induce me to do so, in a matter properly judicial. It is for this reason that I behold with indignation the attempts made out of doors, and countenanced, I am sorry to say, within doors likewise, to awe this house in the decision, which we are to give, by the threat of popular displeasure; that is to say, to set us, as judges, to try a question, and then tell us what verdict we are to give. If it is possible for any attempt to be more insulting and audacious, for any submission to be more degrading than another, it is the attempt thus made, and the submission thus expected, and which many

Gentlemen seem to think was expected justly. I will not suppose that any instance of such a degrading and criminal acquiescence can exist, but if there does, it is certainly not to be looked for among those, who acquit the Duke of York, but must be found, if at all, on the contrary side, and among those who are most inclined to vapour about their independence, and to talk of votes being given under an influence foreign from that of the merits of the question. This I say as applicable particularly to the judicial part of the question, by which I mean the judgment to be pronounced on the question of guilty or not guilty of connivance or participation; but a compliance with popular opinion merely as such, that is to say, as affecting the situation and interests of the person so complying, is hardly less base, to whatever part of the question it applies. When I talk of public opinion as deserving of any consideration, it is upon the grounds which I have stated, not as affecting the individual giving his judgment, but as applying to the subject on which the judgment is to be given. A great distinction must likewise be made, as to the nature and character of the public opinion supposed. Is it the mere cry of ignorance or malevolence; of wantonness or of faction; the clamour of persons having their own ends to answer, and not believing what they say; and of others, believing only because they wish the facts to be true, and are delighted with any thing which tends to lower the great to a level with themselves? Or does the opinion in question include in it much of the sound sense and sober discretion of the

country, and proceed from persons not ill qualified to judge, nor likely to have their judgment warped by undue feelings and motives? If the public opinion is in any considerable degree of the latter description; as cannot, I fear, be denied; attention is due to it, both on account of the persons themselves, and because, as the very statement implies, an opinion of that sort can not well exist, without some plausible grounds, that it is founded on truth. But, here again, a material question arises. Are the grounds, thus supposed, the mere combination of extraneous circumstances, or are they produced by the conduct of the party himself, acting improperly, though possibly not in a way really to merit the suspicions which he has excited? However hard it is that any one should fall a sacrifice to unjust suspicions, the hardship is less, and the danger to society less, when the suspicion is grounded on acts of the party, and those acts such as are in their own nature culpable. No one can claim from society the same protection against the consequences of his own misconduct, as is due to a person, who if not wholly guilty, is wholly innocent. This is the distinction which I took and acted upon in the case of a Noble Lord which formerly fell under the cognizance of this house. I declared at the time my persuasion, that the Noble Lord had not been guilty of the gross part of the charge: but I could not deny that ground was laid for the suspicion, by conduct of the Noble Lord which it was impossible to justify, namely, by the continued departure which he had permitted from the rule laid down in his own Act. Whatever therefore my own conviction might be, I

could not deny the justness of the suspicion on the part of those, who might have less opportunity of knowing the Noble Lord than I had: and to that suspicion so formed, so much deference was due, as in combination with the misconduct, which was admitted, warranted the judgment which the house pronounced, even in the view of those, who, like me, might acquit the Noble Lord of the grosser part of that which the suspicion imputed to him. The suspicion was just, in respect to those who entertained it, though it might not be just, in point of fact, in respect to the Noble Lord. The same reasoning is applicable to the present case. The Royal Personage must abide the consequences of such a connection as he has formed, and the opportunities which he has afforded to such a testimony as has been given against him. It is not fit that a person of his description and situation should be allowed with impunity to place himself in a state in which suspicions of the most injurious nature can be entertained against him, by persons of good intentions and of reasonably sound and good judgment. 'Cæsar's wife ought not to be suspected.' While I am anxious, therefore, that the house should declare emphatically its disbelief of the accusations brought against His Royal Highness, I should hear, I must confess, with great delight, that no necessity existed for any further opinion, but that the Royal Personage had of himself decided to quit a situation, which he could not hold, with satisfaction to himself, longer than while he could hold it to the general satisfaction of the country. Such a decision could not

be construed as admitting in the smallest degree the truth of any thing that has been charged against him. Did it contain such an admission, I should find it impossible to recommend the adoption of it. It is a submission to public opinion, it is not a submission of an unworthy sort, nor to those parts of public opinion, which are undeserving of consideration. Nothing can do more credit to the feelings of the country, nor at the same time shew more strongly the general purity of the administration of its affairs, than the commotion excited by any thing that has the appearance even of a departure from that purity. It is a feeling, which one cannot wish less, however the effects of it may be at times irregular, and productive of injustice in particular instances. A homage paid to such a feeling is no admission of the truth of its application in the particular case.

This is all with which I wish to trouble the house on the question itself. — A very few observations only, I am desirous to offer, in answer to some reflections which have been cast on the part taken in this business, by those with whom I have in general the pleasure to act. They are accused of having been slow to come forward, or to give to the Honourable Mover that support at the time, which they are now, it is said, eager to proffer when he no longer stands in need of their assistance. This accusation does not touch me personally, who was absent at the time alluded to, having been detained, by circumstances, in the country, till long after the charges had been fully adopted. I have nothing therefore to restrain me, so far as

related to any former conduct or language of mine, from declaring in favour of any course of proceeding, that I may now see fit: nor have I been backward certainly on other occasions to support unprotected accusers against powerful culprits, as in the case of the late unfriended and hardly-treated Mr. Paull, when accusing a Governor-General of India. But with these dispositions, and exempt as I am from any necessity of declaring my opinion at all, I cannot be easy not to say, that had I been present, my conduct would have been precisely the same as that of my Honourable Friends. What else could I have done than keep aloof from a charge, with the grounds and with the author of which I was equally unacquainted, and which certainly did not exhibit at the outset any thing so attractive, either as to the spirit in which it was conceived, the manner in which it was conducted, the success to which it was likely to lead, or the objects which it might be suspected to have ultimately in view, as that all to whom it was proposed must instantly fall in love with it, and rush impetuously to its support. In fact the cause, as known to the Honourable Mover at the time, was not such as many men would have chosen to engage in, whether their own credit or the interests of the public had been the principle to guide them. For it must never be forgotten, that the cause is now in a very different state from that in which it was originally contemplated by the Honourable Mover; and that the principal part of the evidence, by which it is now supported, was as little known to him, and could be as little anticipated by

him, as it could be by the house. But the matter does not end here: if much was wanting, that was necessary to invite support; there was much on the other hand that must have the effect of repelling it. It does not tell greatly in favour of a cause, that it begins by a breach of confidence, and that it owes the possession of the main part of its evidence to an act of violence, committed in a house to which admission has been procured upon terms of apparent friendship. This is the statement admitted, or not contradicted, by the party. Mrs. Clarke says, that the papers were taken from the table in her presence, but both without her consent and against her consent. If this protest of hers, made at the time, was mere pretence; if her resistance was merely feigned; if the whole was a sort of permitted rape; or a little love struggle *pignus dereptum lacertis, aut digito male pertinaci,* I shall only observe, that it is not treating the house very respectfully, in a matter pretty important, if upon such grounds, they are to be made to believe, that Mrs. Clarke is an unwilling witness, and entitled to all the additional credit on one side, which such a character would give her. But if the facts really are as she stated, and as the Honourable Mover does not seem to deny, if the papers were in truth taken by him from her table, he entering the house as he did, and she protesting *bonâ fide* against the proceeding, — other Gentlemen must think as they like, but I must declare for my own part, that there was no one article of the charges, proved or unproved, which I would not rather confess to, than be guilty of the act so described.

It is, at least, a pretty good reason why I have been shy, as my Honourable Friends are accused of being, of mixing in a cause of which such an act stands in the front.

The Right Honourable Gentleman concluded with observing, that if the motion of the Chancellor of the Exchequer was pressed, and that no other alternative was offered, he must perforce, though by no means satisfactorily to himself, vote for the Address proposed by the Honourable Gentleman on the floor (Mr. Bankes).

On the 15th the debate was concluded, and on a division, the numbers were,

For Mr. Bankes's Amendment -	199
Against it - - - -	294
Majority - - -	95

A second division took place on Mr. Perceval's Amendment to Mr. Wardle's Address,

For the Amendment - -	364
Against it - - - -	123
Majority - -	241

MR. CURWEN'S REFORM BILL.

May 26, 1809.

MR. CURWEN moved the order of the day for resuming the adjourned debate on a Bill "for the better securing the Indepen- "dence and Purity of Parliament, by preventing the procuring "or obtaining of Seats by corrupt Practices." The Speaker explained that the question was, that he do now leave the Chair. Sir Francis Burdett opposed the bill, on the ground of its insufficiency to the purpose of such a Reform of Parliament as he considered to be called for by the country; as also, because he conceived the bill would operate as an indemnity to past delinquencies. After some observations from Mr. Fullet and Mr. Wilberforce,

MR. WINDHAM rose and said:

SIR,

I am well satisfied to have heard, before I address you, the speeches of the two Honourable Gentlemen who have last sat down, as those speeches will have helped to recall our attention to the question more immediately before us, from which the speech of the Honourable Baronet (Sir F. Burdett) had in some measure led us away, though not to any topics, which I mean to describe, or which I wish the house to consider, as unconnected with the subject. Those topics

are indeed most closely connected with it, as they are in themselves also of a nature and character, to which I must not fail hereafter to advert, and with which the house will I hope be duly impressed.

In the mean while, I must fairly profess, that upon the subject of the question immediately submitted to us, I have found no reason, from any thing that I have heard to night or upon other occasions, or that my own reflections or inquiries have furnished, to alter the opinions with which I took the liberty of troubling the house on the night on which it was first brought forward. I equally think it a measure ill-timed, injudicious, founded upon false views, false facts, and false assumptions, calculated to produce no good in the first instance, and liable and likely to lead to the most serious mischiefs in future.

The whole measure rests, 1st, upon an assumption, which, in the sense in which it is used, and the extent to which it is carried, I utterly deny, namely, that the transactions in question are corrupt; and, 2dly, upon a position, which is true indeed, but of no effect or operation without the other, namely, that acts criminal and abusive in themselves, cannot be protected by the length of time that they have been suffered to prevail, or by the number or authority of the persons, who have been found to practise them.

Nobody pretends to say, that fraud, falsehood, theft, robbery, the whole list of crimes by which society is disfigured and injured, though co-eval and co-extensive with society itself, are for that reason less crimes, or call less for reprobation and punishment,

than they did at their first appearance in the world. There are innumerable offences and depravities, which no authority can support, or sanction, but which will to the end of time pull down the character and reputation of all those, be they who they may, who shall be found to have been guilty of them. What we are to inquire is, whether the acts now meant to be proceeded against, are of that sort? whether they are, like many others, acts which those who commit them know at the time to be wrong, though, under the impulse of strong temptation, they may not have the virtue to abstain from them; which degrade the person in his own opinion, and would, if known, degrade him in that of others; which he is compelled to condemn at the very moment he yields to them; which are attended in the immediate instance with injury to others; or, at least, tend to weaken the authority and observance of some rule, which the interests of society require to be upheld? Let us consider how the matter stands in respect to the nature and description of the fact. Let us open the pleadings by stating the case.

A minister in the time of Geo. I. or Queen Anne, or King William, has a friend come to him, at the moment of a general election, who says, 'I have a great interest in the borough of such a place. I have a large property, and I have laid out a great deal of money, there; I have obliged, in various ways, numbers of the voters and their connections; many are dependent on me, many look up to me for favours that they have received, or favours they expect; in short, I may venture to say, that I can bring in both

members. One of the seats I must reserve for my son; but for the other I shall be very happy to take by the hand any one whom you will recommend. I have been always, as you know, warmly attached to you and your friends; and anxious to give every support in my power to a set of men, whom I have always acted with in and out of office, and whom I rejoice to see in their present situations, because I think them in my conscience the fittest men to whom the interests of the country can be entrusted: I want nothing for myself, and should be very glad to offer this seat to your friend free of all expence; but the sums which I have been obliged to lay out in cultivating this interest; the property which I have been obliged to purchase, on terms yielding but a very inadequate return in point of income; the heavy charges incurred in supporting the rights of the freemen in the two last contests, joined to the probable expence of the present election, will oblige me, towards replacing in part what these will have cost me, to require a sum to such and such an amount, from the friend, whoever he is, whom you shall recommend.'—The minister says, 'I am exceedingly obliged to you: nothing could come more opportunely: I have at this moment, a young man, the son of our friend Lord Such-a-One, for whom I am most anxious to procure the means of his getting into Parliament, not only on account of our friend his father, but because he is a young man of most extraordinary promise, with his whole mind turned to public business, and likely to become in time one of the greatest ornaments and

supports of the country. His father will, I am sure, have no objection to advance the sum which you require, and which is very moderate; and you will, I am persuaded, be happy in introducing into public life a young man likely to do so much credit to your recommendation.'

All this I am taught to understand is grossly corrupt, much in the same way as any act of peculation or embezzlement. — I can only say in the first instance that I am sorry for it: because some such things have I am afraid been done even in the best times, and by those commonly accounted the best men. I am sorry to be obliged to part with so much of the admiration which I have been accustomed to feel for supposed virtue and character, and to confess that those eminent men, early and recent, whom we have hitherto looked up to as patterns of virtue and the pride and ornament of the country, were little better than corrupt knaves. It is painful, I say, to part with these convictions, and to be compelled to confess the world less virtuous than we had supposed it. It may be forgiven to us, therefore, if we make some struggle in defence of our former opinions, and if I venture to ask, as an humble inquirer, and for the sake of information, what is the precise nature and character of this corruption, and in what part of the transaction, that is to say, with which of the parties, it is supposed principally to reside.

As to the minister, who is the party first seized upon, and against whom the charge is most pressed,

his guilt can be only derivative and dependent on that of others. He is only the go-between, the broker, the procuress, if you please, who brings the parties together: but unless the parties meet for some ill purpose, his office is innocent. Of the two remaining parties then, which is the most criminal, the giver or the receiver? the buyer or the seller? or is their guilt equal? Let us know a little more distinctly, what is the rule and principles which we mean to lay down.

Is it meant to be stated generally, that no place of trust and confidence, no place to which important duties are annexed, shall be disposed of for a valuable consideration? that the sale of a place of trust is, in all circumstances and in every instance, a corrupt and criminal transaction? If it is, then does both the law and the practice of various countries, and of this country among others, sanction and authorise most corrupt and criminal transactions. I would quote, in the first instance, the whole of the parliaments under the old monarchy of France; which, though not parliaments in our sense of the word, were of a nature to make the disposal of seats in them for money, a proceeding, if it were wrong at all, infinitely more wrong than the same proceeding would be here. For the parliaments in France were judicial tribunals, courts of judicature, in which the whole civil and criminal justice of that renowned and enlightened kingdom, was administered; and where, in spite of those vulgar national prejudices, under which we have sometimes been thought to labour, and which lead us to believe

that nothing can be right or good, but what is conformable to our peculiar notions and institutions, justice was, for the most part, I believe, most ably and uprightly administered, and where certainly as great and eminent lawyers and jurists have been produced, and men of as pure and unspotted character, as are to be found in the legal history of any country whatever. Yet were all the seats in these assemblies, regularly, publicly, and avowedly bought and sold. So little do the effects of civil and political institutions, or the laws relating to them, answer in fact and practice to what the theories even of the wisest and best informed men, would previously pronounce of them! That these tribunals, whether such or not as I have described them, could not be such as our coarse and narrow prejudices, or our hasty and inconsiderate theories, would lead us to suppose, is demonstrable from the fact. For no country, much less such a one as I am adverting to, would consent for ages together, that the whole source of its justice should be polluted and corrupt.

But to avoid all reference to instances liable to dispute, let us only ask whether we have not, among ourselves, appointments, which, if not absolutely judicial, are very closely connected either with judicial functions, or with others not less repugnant to the admission of any thing corrupt or impure; of which the sale is not only practised, but publicly tolerated and authorised. In what department, too, of the state, are these offices found? In the law, and in the

church *. Is it not notorious, that part of the salary or emoluments of our judges, the well-earned, necessary, inadequate emoluments of our judges, arises from the sale of places, having duties belonging to them connected with the business of their courts? Yet does any man, on this account, impeach the integrity or purity of our judges; which is on the contrary (and deservedly) the constant subject of our boast? or find ground for insinuating that the functions of

* To these should have been added the army. It will be curious to hear a general and unqualified condemnation of the sale of places of trust and confidence, in a country which publicly authorises the sale of all its military commissions, and in which the practice is defended: objectionable as it is in various respects, and unknown to the ordinances of any other service; upon the ground of its being the best method for keeping down the military influence of the crown.

Nothing can mark more strongly in what a loose, careless, and summary way, upon what imperfect consideration and hasty views, opinions are often formed and acted upon, even in matters of the highest concern. The authors of the bill, notwithstanding the care and thought they must be presumed to have bestowed upon a measure replete with so many important consequences, appear totally to have overlooked this (rather prominent) instance, of the army. It ought at least to have been noticed. It is not sufficient to answer that the two cases are not precisely, and at all points, the same. What two cases are precisely the same? The army is at least a case in point, in an argument which proceeds throughout on an assumption, that the sale of a place of trust and confidence is *in genere* a corrupt act. At any rate, the difference between the two cases is not the difference between all and none; between the most furious and unrestricted reprobation, and the absence of even a suspicion, that there was any thing amiss.

these offices are not as well performed, and the persons filling them, as respectable and proper persons, as they could be, if they were appointed in any other manner? The church furnishes examples likewise, which, if not directly in point, equally contradict the position above supposed, if laid down to its full extent; and in such a manner as not to shelter itself under the distinction, not a very creditable one, between an actual and a virtual sale. For what does any man do, who purchases or who sells the advowson of a living? or who purchases or sells the next presentation? does not he, both in effect and intentionally, purchase or sell the nomination to an office of the highest trust and confidence? and if this be morally wrong, can it cease to be so, because the act of appointment is not to take place immediately, but is in some degree contingent and remote? Can that which is corrupt and criminal if carried into effect immediately, become perfectly innocent, because the execution of it is made to depend on an event, which, though certain, may not happen for several months? It is impossible, therefore, to maintain, that the sale of seats in parliament is corrupt, simply upon the principle, that it is corrupt to take a valuable consideration for a nomination to a place of trust and confidence. The known, recognised, authorised, avowed practice of our own country, in departments the most exempt from any suspicion of impurity, and where the admission of any thing incorrect would be most anxiously guarded against, is in direct contradiction to such a position.

We have still therefore, to look for the ground on which either the buyer or the seller, in such a transaction as that above stated, is to be represented as being a man morally corrupt. In fact, if their proceeding is corrupt, it will be difficult, or as I should say, utterly impossible, to stop there, and not to go on and declare corrupt the very influence itself, by which they are enabled to carry into effect this corrupt bargain. If the buying and selling be corrupt, it can only be so for reasons, which will make it corrupt to have the commodity which is capable of being so bought and sold. This is the true seat of the grievance, as, it must be confessed to be, the true place in which to apply the remedy. So long as there are persons in a situation to say, I can make an offer of a seat in parliament, so long will there be persons to treat with them for that object, and so long will means be found, for commuting in some way or other the influence so possessed, for considerations valuable to the possessor. The only effectual way will be to get rid of the influence altogether. To make it penal for any one to have such goods in his possession. This the Honourable Mover may be assured is the use that will be made of his measure (nay it is the just and legitimate use) by those, who do not scruple now to oppose it, because they like to argue the question both ways, to be ready for either event; and may think possibly, that more is to be gained by procuring the rejection of it, and by the ground thereby laid for raising a clamour against parliament, than they can hope for from the argument and the authority which it will furnish, to-

wards subverting the greater part of the influence, which property is now allowed to retain.

I know how prompt the answer to this will be, and how triumphantly I shall be told, that no two things can be more remote from each other, than the influence of property, the just, wholesome, legitimate influence of property, and the sale of seats. — But let us recollect that in the present business, we are arguing throughout upon *principle*, and that it is of the nature of *principle*, to unite things the most various and opposite in their individual forms and circumstances. It is not a question, how far things may be distinguished; but how far those, which are naturally distinguished, may be assimilated and made one. Those who can make no distinction between an offence against the bribery laws, by giving money to a particular voter, and the sale of a seat, can hardly be expected to distinguish between the sale of a seat, and such a use of influence as will give them the seat to sell.

I am as well aware as another that there is much influence which, though ultimately to be traced to property, is so remote from its primary source, has been so changed in the gradations which it has passed through, has been so improved by successive graftings, as to retain little or nothing of its original character, — of the harshness and acerbity of the parent stock. The case is the same as with that passion in our nature, which though too gross to be named, is often the source of every thing most delicate and sentimental; which, as the poet describes,

——through some certain strainers well refin'd
Is gentle love, and charms all woman-kind.

All, in these instances, that property may have done, is to have given to virtue the means of acting, and the opportunity of displaying itself; to have furnished the instrument without which its energies must have been useless, and to have erected the stage without which it would have remained unknown. I am under no apprehensions for the fate of influence of this sort. My Honourable Friend and others, notwithstanding the operation of this bill, will be at full liberty, I trust, to lay out their thousands in acts of beneficence and bounty, in building bridges, or endowing hospitals, in relieving the wants or advancing the fortunes of the indigent and meritorious. They may still enjoy, together with all the heartfelt satisfaction, all the influence which will naturally arise from property so employed;

Him portioned maids, apprentic'd orphans blest,
The young who labour, and the old who rest.

But is this the only way in which property exerts its powers? Is it always taken in this finer form of the extract or essence? is it never exhibited in the substance? It is here that the comparison will begin, and that the question will be asked; which the advocates of this bill, who do not mean it to extend to the abolition of the influence of property, will do well to be prepared to answer; How, if the sale of a seat or any commutation of services connected with such an object be gross corruption, can we tolerate the influ-

ence which property gives, in biassing the minds of those who are to give their votes? How a landlord, for instance, should have any more influence over his own tenants, than over those of another man? How a large manufacturer should be able to bring to the poll more of his own workmen, than of those employed in the service of his neighbour? How an opulent man of any description spending his fortune in a borough town, should be able to talk of his influence among the smaller tradesmen: or be at liberty to hint to his baker or his butcher, that, laying out every week such a sum with them, as he does, he expects that they should oblige him by giving a vote to his friend, Mr. Such-a-One, at the next election? If all this is not corrupt, upon the principles on which we are now arguing, I know not what is. What has money spent with tradesmen, or work given to manufacturers, or farms let to tenants, to do with the independent exercise of their right, and the conscientious discharge of their duty, in the election of a member to serve them in parliament? A fine idea truly, that their decision in the choice of a representative is to be influenced by the consideration of what is best for their separate and private interest! or that persons, the advocates of purity, and who will hear of nothing but strict principle, should attempt to distinguish between the influence which engages a man's vote by the offer of a sum of money, and that which forbids the refusal of it, under the penalty of loss of custom or loss of work, or of the possession of that on which his wife and family must depend for their bread? I shall be

curious to hear in what manner, not the advocates of this bill, but the advocates for the principles on which this bill is enforced, will defend themselves against these questions; and be able to show, that while it is gross corruption, gross moral depravity, in any one who possesses such influence, to connect his own interest with the use of it, even though he should not use it improperly, it is perfectly innocent to create that influence by the means just described? Or on the other hand, if such means are not lawful, how the influence of property is to continue, such as it has at all times subsisted in practice, and been at all times considered as lawfully subsisting? It is indifferent to me which side of the alternative they take; but let them be well aware that such is the alternative to which they will be reduced; and that if they contend generally, as is now done, that such and such things are corrupt, because they admit the consideration of interest in matters which ought to be exclusively decided on principles of duty, it is in vain for them hereafter to contend that any man has a right to influence his tenants, or tradesmen, or workmen, by any other means at least than those by which he may equally influence the tenants, tradesmen, or workmen of any other person; that is to say, by his talents, or by his virtues, by the services which he may *have* done, and the gratitude he may *have* inspired.

When I look, therefore, to the moral qualities of these acts, as independent of and antecedent to positive law, I am at a loss to find what it is, either on the score of principle or of authority, that determines

them to be corrupt, or that enables us, if they are corrupt, to exempt from the same sentence of corruption nine-tenths of the influence, which has hitherto been supposed to be attached, and legitimately attached, to property, and which, for aught that at present appears, there is no intention of taking away.

But though such may be the result of an inquiry into the moral constitution of these acts, there can be no doubt, that the law may render corrupt any act which it pleases, that is to say, the law may make any act which it pleases illegal; and to do, or procure to be done, an illegal act, from an interested motive, is, I apprehend, corruption.

We are to inquire therefore, in what manner and to what degree, those acts, which generally speaking are not corrupt, have been rendered so by positive law. And first, without affirming or denying the fact, let us examine the conclusiveness and validity of the arguments, by which it has hitherto been attempted to be proved. It has been said by those from whom I should have expected better reasoning, that the corruption follows of necessity from the laws respecting bribery in the case of individual voters; for that it is impossible that the law should be guilty of such monstrous inconsistency, as well as of such flagrant injustice, as to punish the poor for bribery in retail, while they suffer it to be practised with impunity by the rich in wholesale.

There is something so widely inconclusive in this argument, as to make it difficult to set about formally to confute it. I cannot better illustrate its fallacy than

by an argument something of the same sort, quite as good in respect to conclusiveness, and much better in respect to point and archness, which I remember to have heard, as a boy, at a contested election for the county of Norfolk; where one of the candidates, a most respectable man, had rendered himself obnoxious by the inclosure of a common (a proceeding less familiar at that time, and better calculated therefore for a subject of popular clamour); upon which the wit of the day was to ask, in way of dialogue, what that man deserved who should steal a goose from a common? and when the answer was given, to follow up the question by another, what then shall be done to him who steals the common from the goose? This was very good election wit, but certainly very bad argument, (though just as good as that to which I have been adverting;) for what is the affinity between the two offences, so as to justify the considering the one, as differing from the other only by being upon a larger scale? A man by procuring the inclosure of a common, where such inclosure ought not to take place, may do a much worse moral act, with less temptation probably, and with far more injury to others' interests, than by the theft of many geese: yet who would ever dream of describing these as kindred acts, or propose that the inclosure of commons, if convicted of having inclosed when he ought not, should be punished by imprisonment and whipping? Other instances may be cited more directly in point. There are, or have been, I believe, laws to restrain the retail sale of spirits. Should we think that a man argued

very wisely or conclusively, with much fairness of representation or much knowledge of the principles of legislation, who should harangue at the door of an alehouse (the only place however fit for such a discourse) against the justice of laws, which could punish a publican for selling a dram to a poor wretch, who wanted it perhaps to solace him under the effects of cold and hunger, to whom it must stand in the place of food and raiment; while the same law did not scruple to permit the sale of these spirits by wholesale on the part of the rich merchant or still more opulent planter? and should take occasion from thence to ask (exactly in the style of my Honourable Friend) if such was the punishment for selling a dram or gill, what did they deserve who sold these spirits by whole puncheons and ship-loads? The answer is, that these acts do not stand to each other in the relation of more or less, but are perfectly disparate or dissimilar; are productive of different consequences; are to be regulated by different provisions; are so widely separated in character, as that the one may be an object of national encouragement, a source of public wealth and benefit, while the other can produce nothing but mischief, and is a practice requiring to be restrained by penal statute. Nothing therefore can be more false than the inference by which it is concluded that the sale of a seat, in cases where it can be effected, must be deemed corrupt, because there are laws which prohibit the gift of money to individual voters. Both may be corrupt, and both may require to be prohibited: but not the one on account of the other.

Supposing however the fact to be, that by fair construction of the law of parliament, such bargains as are here in question, must be conſidered as illegal, and may in consequence be denominated corrupt: it is so far from following that the present bill is therefore neceſſary, that the presumption would rather lie the other way, and the conclusion be that a new bill was not wanted; inasmuch as it could only prohibit that which was already prohibited. In general, the precedent of any law tells as much for what it does not, as for what it does. If we have the authority of our ancestors for doing so much, we have their authority also for doing no more. If they tell us, that such things ought to be prevented, they tell us likewise, so far as their practice is our guide, that the attempts at prevention ought not to be puſhed beyond a certain extent. It is undoubtedly true, that laws, right in their object, may be deficient in their means, or that change of times and circumstances may require new penalties and provisions to effect that to which the old were formerly adequate. But then this change and this necessity should be shown; and after all it is no just conclusion, that because our ancestors wished to prevent certain things by certain means, they would therefore be willing to accomplish their object at any price, or have recourse to any means, be they what they would, which the attainment of that object might require at a subsequent period.

Our business therefore is to ascertain, what it is right for us to do, with respect to an object, on which neither morals, nor law as antecedently established,

prescribe to us any certain mode of action, nor even impose upon us the necessity of acting at all.—The acts in question are not in themselves corrupt or immoral. The law has either prescribed nothing about them, or, having prescribed what it has thought fit, has left, to say the least, the necessity of any further provisions, to the judgment of the legislature of the time.—It may be, that what it is proposed to suppress is a political evil, tending to render parliament a less fit instrument for promoting the general welfare. If it is so, let us, in God's name, set about in earnest to devise the means of suppressing it: taking care always as in other instances, that in eradicating what is bad, we do not injure what is good, that in removing one evil we do not introduce others of far greater amount. But with this view, let us be sure, that in attempting change, with all the dangers to which change is liable; particularly in a machine so delicate, so complicated, the movements of which can be so little defined, and are so imperfectly understood, as those of the British constitution; we are not proceeding upon assumptions, which we ourselves at the moment suspect to be false, and which we adopt rather in compliance with the clamour of persons out of doors, than in conformity to our own sober, deliberate, and unbiassed judgment.

It is in fact in deference to the former of these motives, that is to say, to the voice of what is called The Public, that the adoption of the measure now proposed is principally urged. And this being the case, it is in a more especial manner incumbent upon us, to

consider what is the nature of this call, by what causes it has been excited, with what circumstances it is combined, and from what classes and descriptions of persons it chiefly proceeds. It would be the height of weakness and folly in any case to adopt a great political measure without considering something more than the mere measure itself, without looking to the right and to the left, and inquiring what consequences it was likely, or liable to produce beyond those immediately in view.

We have been told that this measure has nothing to do with the great question of Parliamentary Reform. If this be so, we have all been under a strange misconception, for, with one exception only, not a gentleman has spoken upon the measure, on either side, or in any stage of its progress, who has treated the subject upon any other footing. It would in fact be perfect childishness to consider this measure, otherwise than as arising out of the temper and fashion of the times, and as part of that wild rage, which has suddenly seized us; nobody knows why or wherefore; for pulling to pieces the government and the constitution. It is one of the introductory steps, which, it is hoped, may lead us in time to conclusions of greater importance: one of the early symptoms, the little eruptive pustule which shews, that we have received the infection, that the disease has got hold of us. The disease itself is however denied; and we are required to believe, that the whole of the present cry originates in nothing, but in the abuses recently discovered in the business of the Duke of York.

Let this opinion be examined. The amount of what the Inquiry into the Conduct of the Duke of York has discovered, is, that the mistress of a man in power had received money for the use of the influence, which she had, or pretended to have, in procuring places and appointments. This, if it stood alone, would be an odd ground for bringing a general charge of corruption against the government, or even for arraigning the person himself: for who is there in office that is not surrounded by connexions, official and others, by whom such a pretence of influence might at any time be set up, and by whom in many cases, it might be maintained, with a degree of plausibility far more than sufficient for imposing upon persons who by their eagerness and their ignorance have shewn themselves, as we have seen, so well prepared to be imposed upon? As for participation or connivance, though there are persons who accuse the Duke of both of these, their numbers are few, (speaking always of those whose qualifications for judging are such as to make their judgment of any value,) and even of those few, fewer still think that their suspicions, whether true or false, admit of any sufficient proof. The whole of the proof, with the exception of a single doubtful passage from Miss Taylor, rested on the authority of such a witness as Mrs. Clarke, speaking, too, to facts which passed only between her and the party accused*.

* Since the above remarks were made, some curious circumstances have occurred, materially affecting the complexion of the cause as it appeared originally before the House of Commons.

Yet with all this, such is the surprize excited in this country by a suspicion, even, of corruption in persons of high rank and station, and such the commotion

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Colonel Wardle has found out that his principal witness, the witness on whose testimony the Charge, as applicable to the Duke of York, almost exclusively rested, was a person not fit to be believed upon her oath.

It is thought perfectly right and fitting, that Mrs. Clarke's unsworn and unsupported testimony, on a question of private conversation, in which she and the party accused were the only persons present, was to be good against the Duke of York; while her sworn, supported, and, till the last trial, uncontradicted testimony, in matters not passing in secret, and in support of facts having nothing in them incredible or even difficult of belief, was not to be good against Colonel Wardle.

This is popular justice!

Considering what was the point really at issue in the late trial, it is difficult to say, which of the two decisions, the one *for*, as it is called, or the one *against*, was that which Colonel Wardle ought most to have deprecated. If the credit of his witness was established, he stood convicted of having made pecuniary engagements, for the purpose too, as it must appear, of suborning evidence; and of refusing afterwards to make them good. If, on the other hand, his witness was disbelieved; in which case she could be considered only as a woman deliberately perjured; what atonement or apology could he make, to the several parties and interests, which had suffered or been endangered by his proceeding, (to the Duke of York, the immediate object of the attack; to the King, whose best feelings had been tortured; to the House of Commons, whose confidence had been abused, whose time had been mis-spent, and whose character had been committed; to the general cause of injured justice;) for having brought forward a cause, which, in the sole material point, namely, the application of the charge to the person accused, was to rest, principally if not exclusively, on the testimony of such a

which any suspicion to that effect never fails to create, that the Duke of York, a member of the royal family, the King's own son, in full possession of his father's favour, and of the respect and good will of the greater part of the nation, is fain to quit the situation of Commander in Chief, which he has held with credit for fourteen years and more, and to withdraw into retirement, sooner than run the risk of the steps, which parliament, it was feared, would otherwise be induced to take.

Can any man believe that it was an instance like this which has inspired the country with a distrust of its Government, and excited a desire of new-modelling its parliament, as being too submissive to the wishes of the court? We must look to other motives and purposes; to which the present bill is meant to serve as an instrument, and for which the business of the Duke

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witness? And it must not be supposed, that the dilemma, to which Colonel Wardle is thus reduced, is one that can be retorted upon those who urge it, or be made to tell in favour of him as well as against him. Though the conclusion be inevitable, that if Mrs. Clarke was forsworn on the Trial, she was not a credible witness in the Examination before the House of Commons, it does not follow *è contrâ*, that the belief of her testimony in Court, where she was examined upon oath, and was speaking to matters that passed in the presence of others, implies the necessity of believing her, when she was not upon oath, and was delivering a testimony, which, whether true or false, left her equally free from the possibility of detection.——(This note was subjoined to the text by Mr. Windham, when the speech was separately printed in the form of a Pamphlet.—Ed.)

of York is made to serve as a pretext, being after all, it must be confessed, a very flimsy and sorry one.

Upon what principle is it that we are told, that it is to libel the people of England, to say that there are among them thousands and thousands, who wish the destruction of the present order of things, and who are labouring night and day to carry into effect that laudable purpose? And with what decency, it may be added, is this libel complained of by those, who are every day libelling this house, and all the higher orders of the state, in the grossest and most unmeasured terms? Why is it more a libel than to say, that there are among the people of England robbers, murderers, and housebreakers, and offenders of all descriptions, and who, numerous as they are, would soon show themselves in tenfold greater numbers, if the fear of the law did not keep them down? Are there not as powerful motives, passions as fierce and strong, and interests as tempting and urgent, to arm men for the overthrow of all Government, as there are to incite them to depredations on private property, or any other act of violence? There is no Government, bad or good, that can boast of owing its stability (or quiet at least) to any other cause, than to the difficulty and danger which is opposed to every attempt to subvert it. Let but the project be easy, let but hopes be entertained of its success, and thousands will be found, who from motives of different sorts,—some from folly, and some from wickedness; some because they know not what they are about, some because they do know; some as knaves and more as dupes; many from

motives of interest, and more from motives of passion; some because they hate one part of the establishment, and others because they hate another; some as mere fanatics, and because they have entangled their understandings (commonly of the most inferior cast) in speculations to which they are wholly unequal; others from mere restlessness and love of something to do; but far the greater part, from some species of bad passion or other, (not excluding of course those most powerful and general ones, vanity and love of distinction,) are desirous of seeing some great change in the order of things as they find it established: not all of them by any means desiring a change of the same sort or to the same extent; Oh, no! but all of them a change suited to their several views, and proportioned to their several interests and situations.

My Honourable Friend, the author of the measure, and a great landed proprietor, thinks that there would be signal advantage in a change which would throw more weight into the scale of the landed interest. Another Honourable Friend of mine, likewise a great landed proprietor, is of opinion, that those who can only purchase their seats, are intent upon nothing but getting back their money. To these are opposed many Gentlemen of the moneyed interest, who see no reason (nor do I, I confess, see any), why they who may have paid a sum for their seats once for all, should be more desirous of getting back their money, than he who has spent that sum, or three times as much, in a contested popular election. I am far, too, from being convinced, from any observations that I have

made of the conduct of men in parliament, that such, in point of fact, is the case. To my apprehension, many of those who may be suspected to have come into parliament through these condemned and reprobated ways, have been among the most upright, honourable, and independent members, that parliament has had to boast, far exceeding others that could be named, who from the money they have spent, and the interests they have staked, in elections pretending to be of higher account, have only brought themselves to be the mere slaves of popular opinion, that is to say, of their own future hopes, in the places which they represent. Many of the former description, from the class to which for the most part they belong, will be of opinion, probably, that the best improvement would be that which conspires best with the general change in the circumstances of the country, and by taking something from the old and obsolete privileges of the landed aristocracy, the barbarous remains of feudal times gives a free scope to men who owe their wealth, not to dull hereditary descent, but to their own enterprize and industry, and have grown rich by means that have at the same time enriched, or otherwise benefited the country.

But there is a third and more numerous class (and by no means an inactive or inefficient one), who looking with no very friendly eye to advantages which they do not share, and knowing to a certainty that they have neither land nor money, yet fully persuaded that they have talents, will be for levelling to the ground all those barriers, which have hitherto, as they are firmly

convinced, been the sole obstacles to their advancement, and have alone hindered them from figuring in the first situations of the state.

The general rule will, I believe, be, that each man's opinions will be found to lean to that state of things, which he conceives to be the most favourable to his own consequence. Political consequence is probably a far more powerful, as it is a far more extensive motive, than prospects of private advantage. The numbers may be few, who can hope to better themselves by any change, in a pecuniary view: and these will of course be found for the most part among persons of no great authority from their present wealth or station. But many will have in their minds (and the highest in rank and fortune not less than others), some scheme of things, in which they may hope to become more considerable in point of general consequence. And if such men should be, as they are the most likely to be, men of ardent and daring minds, jealous of their importance, eager for distinction, impatient of controul, less awed by the fear of loss than sanguine in their hopes of gain, materials will not be wanting for furnishing out a revolution even from among the higher orders; in opposition to that childish notion, so false even in theory, and so contrary to all experience, that men will not engage in such enterprises who have much to lose; or, as it is often expressed, have a great stake in the country.

Heretofore, in fact, disturbances in the state were confined entirely to the class that had much to lose, namely to persons in the highest rank of society; and

though, since the example of the French Revolution, this limitation is done away, and the lottery of revolution thrown open even to adventurers of the lowest denomination, yet the rich are not excluded, and we see every day that they are not at all disposed to exclude themselves. For though the French Revolution exhibits the most striking example of failure, that the lovers of right could ever have wished to the authors of wrong; yet this failure relates only to the professed objects, the peace and happiness and liberty of mankind. In other respects, and with relation to the views and interests of individual reformers, who, in truth and fact, trouble themselves but little with the peace and happiness and liberty of mankind, the example is most encouraging; and particularly with respect to those, who are not likely to be deterred by personal risk; for nothing can show so strikingly the facility with which the object can be accomplished, and with which men from the lowest stations may be lifted suddenly to the highest. This is all that is wanted; for give but the chance of success, even a very indifferent chance, and thousands will not be wanting, high and low, to engage in the undertaking, and to labour with all the restless activity and increasing industry with which we see the work carrying on at this instant.

Still the means must be supplied. They cannot make bricks without straw. Even these reformers or revolutionists, numerous as they are, and strenuous as their exertions are, cannot make a revolution of themselves, nor by their utmost efforts throw the

country off that happy basis, on which it has rested for so many centuries, an object of admiration and envy, and never more so than at the present moment. The great mass of the community is, no doubt, against them: but industry and perseverance may do much. Those who would never listen to such a proposal in its full extent, may yet be drawn in by degrees.

Formerly, that is to say, some five and twenty years ago, the attempt was made through the medium of mere abstract reasoning. Incredible as it may seem, the idea was entertained, as I should say, of overturning the government, but as even the authors of the attempt must say, of totally changing the constitution of parliament, not by pointing out any practical grievance under which men laboured, but by convincing them that the whole of the British constitution, such as it then existed, and such as it had existed for ages, was an infraction upon the rights of man. The notion was new of attempting to make a great change in the practical concerns of mankind by the mere force of metaphysical reasoning. But wild and extravagant as such an attempt may be, and little, happily, as was its final success at the period alluded to, we must not speak too slightingly of it, when we recollect what share such notions had in bringing about the French Revolution, of which they ostensibly made the basis. At the end of twelve or fourteen centuries, the French monarchy, at the moment of its greatest mildness, and when all that was harsh and odious in it was daily wearing away, was overthrown, with all the circumstances which we have witnessed, ostensibly by

the mere force of metaphysical reasoning; and what is more humiliating, if not more surprising, by metaphysical reasoning of the most contemptible sort!

This mode, however, has now lost much of its efficacy, and has got to be rather out of fashion. In seeking to embody the natural and unavoidable discontents of mankind for the purpose of overturning governments, which is the general description of what I should understand by Jacobinism, it has become necessary to have recourse to something more solid and substantial than mere grievances of theory, and to take the discontents arising from real causes, whether the discontents themselves be reasonable or not, and then to connect these as effect and cause, with something wrong, or said to be wrong, either in the frame or practice of the government. The discontents you are sure of; they can never be wanting, as long as men are men, and that society is composed of various ranks and conditions, whereof some are higher and better than others. Since the days of *qui fit Mecænas*, down to the present moment, few have ever been found, who were so contented with their lot, whether chosen by themselves, or cast upon them by Providence, *ut illâ contenti vivant:* and if they cannot be said, *laudare diversa sequentes*, they at least think that their own situation is not so good as it ought to be, or as a little change would make it. In a country like this, where a great portion of our immense riches is paid in contributions to the public service, no man will ever think himself as rich as he ought to be: for though the wealth of the country has increased in full proportion,

I believe, to its burthens, that is to say, to its expenses; and though there never was a time when that wealth was more evenly diffused through all ranks and classes of people, yet as luxury has increased at the same time, not to say with equal rapidity, every man may in some sense describe himself as poor, inasmuch as the interval between his income and his expenditure will, as a proportionate part, be less than it was before. Let his wealth be what it will, if his expences increase in such a way as to continue to press equally upon the bounds of his income, he will never be a bit richer, with respect to any disposable surplus, but will be equally under the necessity of parting with some article of pride or enjoyment which he wishes to keep, whenever he is called upon for any contribution to the service of the state. It is therefore the singular and melancholy characteristic of the state of poverty here described, that it is one which riches cannot cure. In common cases, if a man be poor, give him money enough, and he is poor no longer. But here we may almost say, that the richer the nation is, the poorer it is. It is in vain that wealth is pouring in upon us from every quarter, and through an endless variety of channels; that it is not confined, as national wealth in truth never can be, to particular persons or classes, but is diffused throughout with wonderful exactness; or rather in larger measure, in fact, to the lower and middling orders; that foreigners, resorting hither, cannot behold without astonishment a display of wealth and enjoyment, unknown at any former time, or in any other country; that we are reproached every day

from the continent with our opulence and prosperity as constrasted with the penury and misery of other countries; and are regarded with greedy eyes by the master of all the rest of Europe, as a mine of wealth, which he is longing only to get possession of; all this while, we, who know these things better, are full of complaints and lamentations, and representing ourselves, as an oppressed, burthened, and above all, impoverished nation.

In the midst of this, there is nevertheless one remedy, which, if men could be persuaded to take it, would do away, as by a charm, all this dreadful state of poverty, and restore them in an instant to a condition of ease and affluence. — It seems like quackery to suppose the existence of such a *nostrum*, but it is explained in two words — Let every man resolve to live with no greater measure of enjoyments than his father did before him, than people of the same rank and class did forty years ago. I do not ask that they should lay out only the same money: the same money would not now procure the same enjoyments: but that they should only require the same enjoyments. Let those who formerly walked on foot, be content to walk on foot now, and forego the use of a horse, when the price too of a horse and the expence of keeping one are so much greater. Let those whose means extended no further than to the keeping a horse, be willing to go back to that indulgence, and dispose of their gigs and whiskeys and tandems, now, too, that every article of that sort has risen to such an enormous amount. Let the former riders in gigs and whiskeys

and one-horsed carriages, continue to ride in them, and not aspire to be rolling about in post-chaises or barouches, or often both in the one and the other. By this simple expedient, pursued, *mutatis mutandis*, through every class of the community, one may venture to say, (speaking always of persons whose misfortunes or imprudence have not reduced them already to actual indigence,) that nine-tenths of those who are filling the country with their clamours and wailings about the distresses of the times, all but the holders of fixed incomes of an early date, or persons in the lowest class of labourers, will find themselves instantly in a state of ease and comfort fully able to satisfy all the demands of the state, and to lay by something as a future provision for their families.

But as the expedient, we are sure, whatever its merits may be, will never be adopted, there will for ever remain, in the feeling excited by the payment of taxes, an inexhaustible fund of discontent, of force sufficient to produce any effect desired, provided means can be found to give it a proper direction. This is the great work on which the artificers of revolution are at present employed. They say to the people, you are all sensible of the burthens under which you labour: you all dislike the payment of taxes. Now what is it that carries the taxes to this immense amount? — A common man would say, the immense amount of the civil and military establishments of a great empire extending over half the world; the number of civil officers necessary to carry on its business in time of peace, and the armies and navies, with all their attendant train of

expences, to provide for its security in case of war. But, no, say the band of patriots here alluded to, the objects here stated are, to be sure, such as cannot be provided for but at a considerable expence. Wars cannot be carried on, armies and navies cannot be maintained, without money. But these expenses alone might be well borne: what sinks the country is the wasteful expenditure of the public money in jobs and corruption, in sinecure places and pensions. It is the abuses that undo us: the abuses that we must correct: and as it is parliament that sanctions, if it is not itself the great seat of, the abuses, it is parliament that we must correct and reform.

The argument is perfectly regular, and the conclusion inevitable, if you admit the several antecedent positions on which it is made to rest. The statement contains in it too all that is necessary to give it effect. A willing audience will never be wanting to statements which hold out a hope of exempting men from the necessity of paying. Once persuade them that all their payments and burdens are the consequence of abuse or mismanagement in some part of the government, and you produce a state of feeling adequate to almost any purpose for which it can be wanted. Taxes and abuses, joined, generate a kind of expansive force, that will burst asunder even the best compacted governments. The abuses, too, serve to give a direction to the discontent and angry feeling, produced in the first instance by the taxes. They stand in the place of the abstract rights of a few years ago, and are the last improvement made in the machine for overturning states, from

which it is conceived to derive a much greater heft and purchase, than in its old form of 'taxes and the rights of man.'

A number of persons are accordingly in a constant state of active search, prying among the establishments, and winding about like a wood-pecker round a tree, in the hopes of finding some unsound part into which they may strike their beaks and begin to work: but not like the honest wood-pecker, who is only in search of the grubs and worms on which he may make a meal, and is at least indifferent as to the fate of the tree. They on the contrary only take the grubs and worms for their pretext, and have for their ultimate object, to open a hole, into which the wet and the rot may enter, and by which the tree, the British oak, (a beautiful shaft of I know not how many load, and the growth of ages,) may decay and perish. Did their labour really terminate in their professed purpose, did they really mean only to pick off the vermin that prey upon the state, they might be as useful as rooks and jackdaws to a flock of sheep: or might share the higher honours, which are paid, in countries infested by locusts, to the bird that rids them of that destructive insect. But to merit these honours, their endeavours must be directed to far different objects, be carried on in a different manner, and be dictated by very different motives.

Let us consider what it is that is comprehended under this general head of abuses, which forms the great instrument whereby the discontents of a country are made subservient to the destruction of its government;

which collects and compounds the separate elements of dissatisfaction, to be found floating in society, so as to prepare them for those grand explosions by which states are overthrown.

By abuses is meant, I suppose, either the abuse of patronage; the granting to favour, or interest, what ought to be granted only to merits and services; or secondly, the purloining, embezzling or corruptly applying the public money. Let us endeavour to ascertain how much of either of these species of abuse exists: how much of them is to be charged to government: and how much, in any event, is likely to be corrected by what is called a Reform of Parliament.

As to the last of these heads of abuse, the purloining or embezzling of the public money; by which must be understood the transferring, by false accounts or otherwise, into the pocket of the individual, what was intended for the public service; I suppose it is hardly necessary to say, that the idea of such an offence as existing among those who constitute what can with any propriety be called the Government, could be generated only in the gross imaginations of persons totally ignorant of the principles and motives by which men in such situations must of necessity be actuated. It is not a question of their virtue or probity; but of their feelings, habits, manners, and prudence. They may be, as they often are, mercenary, selfish, rapacious, unprincipled. But it is not in acts like those alluded to, that these dispositions will show themselves, even in the persons who feel them most. It might as well be supposed, that they could seek to

enrich themselves by conveying away a diamond snuff-box, or pilfering guineas out of a drawer. Nothing can prove more clearly the degree to which this is true, than the commotion excited, and the effects produced by any appearance of irregularity, even of a minor sort, among persons in higher stations, in transactions connected with the administration of money.

With respect to the abuse of patronage, one of those by which the interests of countries will in reality most suffer, I perfectly agree, that it is likewise one, of which the Government, properly so called, that is to say, persons in the highest offices, are as likely to be guilty, and from their opportunities, more likely to be guilty, than any others. Nothing can exceed the greediness, the selfishness, the insatiable voracity, the profligate disregard of all claims from merit or services, that we often see in persons in high official stations, when providing for themselves, their relations or dependants. I am as little disposed as any one to defend them in this conduct. Let it be reprobated in terms as harsh as any one pleases, and much more so than it commonly is. But the evil from persons of this description is necessarily limited, not possibly by their own moderation, but by the extent to which their desires are capable of being carried. They can eat no more than their stomachs can contain. The list is small of those immediately connected with them, nor is the number unlimited of those whom they may wish to serve from motives of vanity or interest. When the leech is full, it will drop off of itself.

But what shall set bounds to those streams of abuse that take their rise among the people themselves? Let us trace the genealogy, the birth, parentage, and education, of nine-tenths of the jobs that are done in the army and navy, or in the other departments of the state, and see from what they originate, and in what manner they are brought forward. A gentleman, at the eve of a general election, or on some vacancy in a borough or county, is addressed by some one who is, or, who, he hopes, will be his constituent, some full-grown manufacturer, or opulent brewer, or eminent attorney, who says, "You know my son Tom, who is in the navy. He has been for some time a lieutenant, I should be very glad, if you would get him made master and commander." The candidate or member bows assent, (Mr. Such-a-one is not a man to be disobliged) he speaks to his friend the minister; the minister speaks to the First Lord of the Admiralty, and, without further inquiry, the thing is done; nobody being able to divine, of those who are not in the secret, and only know our son Tom professionally, for which of his good qualities or meritorious actions he has been made, so much out of his turn, and over the heads of so many old and deserving officers, a master and commander. Here then is a complete job, passing through several successive stages, and disgraceful enough in its progress to all the parties concerned in it, including the member, the minister, and the First Lord of the Admiralty, but certainly not excluding the constituent, the corrupt constituent, who is no member of the Govern-

ment, high or low, but one of the people, and the prime author and mover of the whole. When this constituent shall hereafter reproach his member, as one of a body that is all corrupt, composed of persons who think of nothing but their own interests, without any regard to the interest of the country, the member may possibly be able to reply: "The most corrupt act I ever was guilty of, was that scandalous job by which I bought your vote and interest, when, contrary to all right and justice, I procured your son to be made a master and commander."

We have here the history of a job, which, though springing from a root that lies wholly among the people, is supposed not to confine itself to the place of its original growth, but to extend its shoots into the parliament, and into the executive government. With a view, however, of shewing the temper of some of these declaimers against abuses, let us take another case, (not more difficult, I hope, to be met with,) where, after inquiry made, either the member, or the minister, or the First Lord of the Admiralty, has virtue enough to say, that the pretensions and merits of the person in question are so small, and the injustice of promoting him would be so great, that in spite of all the wish that one of them necessarily has to promote his own success, and the others may have to promote the success of an important parliamentary friend and adherent, and much as it may even be their duty to promote by all honest means the success of one, whose conduct in parliament is likely to be what they think right, they feel it impossible to

comply with the application that has been made. Is it quite certain, is it quite a matter of course, that the author of the application, this inveigher against the corruptions of the times, is satisfied with this answer, however fully explained to him; that he does not turn away with a sulky look from his late friend, and without disputing at all the truth of the reasons on which the refusal is founded, of which he perhaps is better aware than any other person, or which he does not consider as being any thing to the purpose, that he does not signify in plain terms, that his rule is to 'serve those who serve him;' and from that moment does not transfer himself, and all those whose votes he *commands*, to the other side, taking what is called the independent line, and exhibiting himself among the first bawlers against the corruptions of the great, 'who think of nothing but their own interest.'

Here at least is an instance of abuse, (supposed indeed, but not on that account to be considered as a mere creature of the imagination,) which, while it begins with one of the people, ends there likewise, and does not touch the Government or the parliament at all. And such, we may venture to affirm, is the case of nine-tenths, or rather ninety-nine hundredths of the abuses complained of. The whole country, it is said, is full of abuses from top to bottom. I am very much of that opinion; with this correction, that the description would be more just if we were to say from bottom to top; it being here, with this floating mass of abuses, as with other *media*, the parts of which are left to move freely, that the *strata* are denser, and

grosser, the lower you descend, and that the highest region is the purest.

We have already seen to what source may be traced the greater part of the abuse of patronage, an abuse, which with the others is to be cured, I suppose, by the favourite remedy, an extension of the representation, that is to say, by multiplying a hundredfold the chief causes to which the abuse is to be at present ascribed. But if of this the far greater part is found to lie in the people themselves, who cannot otherwise be brought to support the very government which they thus reproach for yielding to their venality, what shall we say of those abuses, more properly so called, and upon which the people are much more intent, though they are really perhaps less important, viz. the various instances of fraud, embezzlement, peculation, and imposition, by which the expenditure of the country is swelled far beyond its natural size, and a million or two possibly taken from the pockets of the people, over and above what the real exigencies of the country require? This is the part that we chiefly hear of; and very proper it is that we should hear of it; but let us take care that we impute the blame to the right quarter, that we put the saddle upon the right horse.

With what approach to truth or propriety do we speak of these abuses, as abuses in the Government? Who are the persons whom we mean to designate under the name of Government? What are the abuses complained of? and by what description of persons are they committed? Is it an abuse in the government, that is, in the members of the cabinet, and the

persons holding high offices, including if you please the parliament, that a store-keeper, or commissary, in the West Indies, or in Ceylon, embezzles the public stores, or sends in false accounts, by which the public is defrauded? Is it corruption in the Chancellor of the Exchequer, or in the ministry or parliament collectively, that gross frauds are daily and hourly practised on the revenue; that the taxes are eluded; that false returns are made; that excise and custom-house officers are perpetually bribed to betray their trust; that the tribes of officers, high and low, at home and abroad, of more denominations than can be enumerated, which an empire like this is obliged to employ in its service, are often more intent upon advancing their own fortunes, than upon discharging their duty or guarding the interests of the public; and that all those, not being persons in office, with whom the Government must occasionally have dealings, have no consideration, but how to make the most they can, and to cheat the public by every means in their power? I should be glad to know, how many of these arraigners of the profusion of the Government, if they had a piece of land to sell in the neighbourhood of a barrack or military hospital, would limit the price they asked by any other consideration, than what they thought the necessity of the case would compel Government to give, or would scruple, if they saw any prospect of success, to bribe the barrack-master, or other officer, to betray his trust, and contribute to give effect to their exactions. It is, in the first place, perfect folly to talk as if the parliament and the Govern-

ment, (the parliament being a body that neither in fact nor theory can know any thing of the matter, and the Government consisting of some ten or twenty persons, the members of the cabinet, and a few of the heads of great departments,) can be responsible for the individual conduct of the thousands and thousands of subordinate officers and agents, who must be employed in the public service, and who are distributed, far and near, through all parts of a widely extended empire: to say nothing of the fact, that the greater part of these are obtruded or palmed upon the government, by persons not being themselves in any office, but in the strictest sense a part of the people, and who are thinking of nothing, but to serve, by whatever means, their own friends and relations. In the next place, these frauds, committed by persons within the pale of the Government, are for the most part of a sort, that imply a confederate without. Like other acts which in the system of animal life cannot well be dispensed with, they require of necessity two parties. If the exciseman connives at the frauds of the brewer or the distiller, it is the distiller and brewer by whom he is bribed to do so. If the custom-house officer permits false entries, and allows goods to be imported or exported without the proper duties, and thereby affords an example of an abuse committed (if any one chuse so to describe it,) by one of the Government, meaning a custom-house officer, what are we to say of the merchant or trader, by whose bribe he has been induced to do this? who, it cannot be disputed, is one of the people, and one of the people merely; and very

possibly, with the distiller, brewer, or other trader, one of those who think that the country can never thrive, till a radical reform shall have put an end to abuses. The fact is, that when the matter comes to be searched to the bottom, it is the people throughout, who are cheating the people; the people individually cheating the people collectively, and then finding in their own frauds and knaveries a reason for tearing to pieces the Government. How is Government a party to these frauds? Even in respect to patronage; the part in which the government, properly so called, will be found most to offend: it is not ascribing much to persons, at the head of departments, to suppose, that when their own immediate connections and dependents are satisfied, they would be willing to promote good men rather than bad, if they were not controlled by the insatiable demands of those, whom they cannot disoblige without renouncing the means of carrying on the public service, and who never think for a moment of merit or demerit, or of any thing else, but of providing for those, whom, for some reason or other, they wish to serve. So, in respect to pecuniary abuse or waste, it is no great compliment to a Chancellor of the Exchequer to suppose that he is desirous of making the taxes as productive as possible. We need not look to his virtue or sense of duty as a security for this endeavour. His own interest will be a sufficient pledge, and particularly that interest which it is most the fashion to throw in the teeth of public men, namely, the desire of keeping his place. The crime of Government, therefore, in almost all these instances,

is that of not being able, with all its efforts, animated even with the strongest sense of self-interest, to prevent the crimes of others. The people in all quarters and by all opportunities are preying upon the public, and then make it the reproach of the Government that it has not the power to prevent them. Such a reproach might, it is confessed, be well founded, if a failure in the performance of this task on the part of Government, proceeded from neglect, remissness, or want of proper zeal. But besides that interest, as was before observed, concurs here with duty, let us see how the matter stands, on a consideration of what would be in the power of Government, supposing exertion to be pushed to the utmost.

What is the sense of supposing that Government must be able to do with respect to the public, what no man is able to do in his own affairs and family? Who is there that can boast to have established a system of superintendance so complete, or to be blessed with a set of servants of such rare honesty and so attached to his interest, as not to leave him a prey to innumerable abuses, greater or less, in his stables, his still-room, his kitchen, his butler's pantry, in every department in short of his household? If this is the case of men acting in the management of their own private affairs, and quickened by every motive of self-interest, as may be predicated with truth probably of every domestic establishment in the kingdom, down even to the most limited, what shall we say of the reasonableness of the expectation, that any zeal or strictness in thirty or forty persons, (or in ten times

that number,) who can be described with any propriety as forming the executive Government, shall be able to exclude abuses from the innumerable subordinate departments, over which they are to preside, and which extend over half the globe? The amount of abuse, be it observed, incident to establishments, does not increase merely with the size of the establishment, so as for the abuse in larger establishments to bear the same proportion only to the establishment itself, as it does in smaller ones; it rises at a much greater rate: first, because the superintending power, the number of persons having a direct interest in the well-being of the whole, cannot be multiplied in the proportion of the establishment: secondly, because the parts are further removed from observation; thirdly, on account of the complication and mixture of interests, which increase the combinations far beyond the increase of the number of objects; and lastly, from the greater laxity apt to prevail in respect to frauds upon large funds, compared with something of stricter feeling which may be hoped for towards funds more limited. We see every day what a total carelessness there is in the expenditure of money, which, being money of the public, seems to belong to nobody. This indifference about expending, will be attended with a correspondent want of scruple in appropriating. As the scale of expenditure becomes larger, the injury sustained by the state from the loss or mis-application of any particular sum becomes less perceptible; and men yield with more facility to the argument, that what is great to them is little to the country, and will

never be missed. This is the morality, I fear, of a large portion of the nation, and I am sure is not least found, as far as any observation of mine ever went, in those who would pass themselves off as the only persons, zealous for the rights, or authorized to speak the sentiments, of the people. Yet with a system of public probity thus relaxed, in the midst of a nation thus disposed to prey upon itself, and upon a scale of expenditure like that which must of necessity prevail in an empire extended as ours now is, it is thought a reason for breaking up the Government, that it cannot exclude abuses from our establishments, to a degree which few persons find attainable, in the management even of their own domestic concerns. It is our business, no doubt, to keep those abuses as low as possible; and the more corrupt the public is, the more are such exertions necessary: but let us not complain that we do not attain what is not attainable, and above all let us understand the fact truly, that the corruptions charged are, except in a few inconsiderable instances, not the corruptions of the Government, but the corruptions of the people which the Government is unable to prevent.

Having thus far examined the nature of the charges, let us inquire a little whether there is any thing which we are bound to yield to the authority of those, by whom they are brought forward. I do not know why the members of this house, or of any other body, are to stand quietly by, and hear themselves stigmatized collectively with all sorts of opprobrious epithets, which they do not feel individually to deserve, without so far

retaliating upon their revilers, as to ask with submission, who they are, who by thus dealing out their invectives to the right and left, seem to arrogate to themselves the character of being the only honest men in the kingdom. We want to know a little upon what they found their pretensions. After defending ourselves as well as we can, we may be allowed to exert a portion of the freedom which they so largely take with us, and request to be informed, what are the pledges, which they have given, what the sacrifices which they have made, as vouchers for this integrity and public spirit, which they seem to consider as to be found no where but with themselves? A reputation for patriotism seems to require for the attainment of it less than is necessary for the acquisition of any other object, however trivial. Nothing seems to be requisite, but the assurance which gets up and says, I am the only honest man, all others are rogues. Indeed, the former part of the declaration, the testimonial given by the party to his own integrity, seems hardly to be called for: if the abuse of others be sufficiently loud and general, the honesty of the person himself is assumed as matter of course. No trial or examination is necessary, no previous stock of reputation, no evidence from former conduct; the trade of a patriot, like that of an attorney or apothecary, is of the class of those who may be set up without capital. I should be glad to know, for instance, what are the sacrifices which have ever been made by the Honourable Baronet (Sir Francis Burdett) as the foundation of that high tone which he assumes with

respect to all unfortunate public men who have ever been in office. I am far from meaning to insinuate (I have no fact to warrant the insinuation), that the Honourable Baronet would not be ready at any time, to make all the sacrifices to his principles that could be called for: he might or he might not: but I mean to say, that none such having been called for, none have in point of fact been made. On the contrary it has so happened that the Honourable Baronet has got by his patriotism, by the natural, spontaneous, (unlooked-for if you please,) effects of his patriotism, all that many men have been willing to obtain, or have pursued without obtaining, at the expence of half their fortunes. By this no credit may have been lost to the Honourable Baronet, but none can be gained. Virtue can only be proved by trials and sacrifices. A man cannot shew his disinterestedness by what he gets, however honestly he may come by it. No one surely will pay so ill a compliment to the Honourable Baronet, or to the country, as to give for a proof of rare and distinguished virtue, that he has never asked a favour of any minister either for himself or for a friend. How many might make the same boast; who yet never thought of inveighing against all the rest of the world as corrupt and dishonest. And after all what does the boast amount to? With respect to friends, the praise is rather equivocal. A man may happen to have no one, who is at once capable of being served by place or appointment, and for whom he is particularly anxious. And as to office for himself, is it known that the offer was ever made to the Honourable Baro-

net? or that he himself ever wished it? With a large fortune, and all the comforts and pleasures of life before him, he may never have thought the pride or power of office a compensation for its cares and constraints, or even for the privilege which he now enjoys (and is not sparing in the use of) of railing at those whose opinions and feelings upon that point have been different from his own. The merit of sacrificing office can alone be found among those, for whom office has charms; and upon that principle the Honourable Baronet must not be surprized, though in other respects he will no doubt, if I look for proofs of political virtue, to be contrasted to any on his part, in quarters from which he would turn with scorn, as from the very hot-beds of all corruption.

What will the friends of the Honourable Baronet say, when they hear me quote for my instance, the conduct of Mr. Pitt? The general career of Mr. Pitt's political life, and his administration of the affairs of this country, during the great crisis in which he latterly acted, I perhaps as little approve as the Honourable Baronet can do; though for reasons altogether different: but one of the very charges which many might bring against Mr. Pitt, (I mean his love of power,) is the pledge of his merit in the instance to which I am alluding, I mean his resignation of power in the year 1801. It is no reproach to Mr. Pitt to say that he was an ambitious man. It may be something of a reproach, though I am afraid the fact is true, that his ambition showed itself too much in love of power and office. The habits, in fact, of official life had begun

so early with him and continued so long, that they must have become a sort of second nature; place and power were almost among the necessaries of life to him; yet with all those feelings upon him, original and acquired; with a possession of power, longer enjoyed and more firmly established than can be found possibly in any other instance, not excepting that of Sir Robert Walpole; with a perception as quick, as man ever had, of what was likely to be useful or prejudicial to him in any political step; Mr. Pitt did not hesitate in withdrawing from office, at the period alluded to, the moment he found it could be no longer held, but upon terms inconsistent, as he thought, with his duty, and derogatory from his character. It is in vain to say, that this might not be an act of pure virtue, but be mixed up with feelings of shame, or pride, or policy, or others of that sort. There is no end of such objections; which, after all, can make no difference here, where we are upon a question of comparison; since, if admitted at all, they must appear equally on both sides of the account. It is just as easy to say, that the Honourable Baronet in the course which he has pursued, has acted with a view to what he has got, as that Mr. Pitt on the occasion alluded to, acted with a view to what he did not get. The exact measure of virtue that enters into any act, can be known only to the Searcher of all hearts: we must be content to take for virtue what contains all the usual indications of it, and produces all the effects. There is no reason to suspect the sacrifice thus made by Mr. Pitt, to be less genuine than it purports to be.

He did not sacrifice what he did not highly value: and no man was more likely to foresee (what the event proved,) that ministerial power, which owes so much to the length of its continuance, could hardly, after an interruption, be ever completely restored to what it was before. The Honourable Baronet, I have no doubt, had the occasion been offered, would equally have shewn that personal considerations had no weight with him, when placed in competition with the calls of duty, or even with those of honest fame. But the opportunity, as far as I am aware, has never been afforded him; and no one can be allowed to claim the same credit for what he has only intended and believed himself capable of doing, as others for what they have actually done.

Upon the whole of this subject of the corruptions of the great, we may venture to say, that be their virtue what it may, it is at least *at par* with that of the persons by whom it is arraigned. There are very few men in public life, who could not, if they thought it worth while, if they could bring themselves to be proud of merit so little rare, quote instances of sacrifices which they had made — to duty, to point of honour, to estimation of friends, to party spirit, if you please, but to something far superior to the mere sordid desire of profit or emolument, — to which the greater part of these patriotic declaimers could not only shew nothing parallel in their own conduct, but which they would not, as far as related to themselves, dream even to be possible.

So much for this great topic of abuses, which is now made the foundation-stone of the system, and gives to the authors of the system all that was wished by the philosopher of old, when, in order to move the world from its basis, he asked for nothing but a place whereon to fix his machine. But far the greater portion of abuses, even of those which do finally reach the Government, proceed from the people themselves. They are the bribes which Government pays to the people, directly or indirectly, to prevent them from pulling the Government to pieces. This is more especially exemplified in that worst and most pernicious species of abuses, though by far the least complained of, the abuse of patronage. But the great mass of abuse, that which forms nine-tenths, at least, or, more probably, ninety-nine hundredths of the whole, and which alone directly affects the pockets of the people, both begins and ends with the people, and consists of the frauds, impositions, embezzlements, and peculations, committed by the tribes of officers, high and low; (with the exception only of the highest;) who though employed under the Government, can still, in no rational view, be considered otherwise than as part of the people; as well as by all those, who, not being in any, even the most subordinate office, have still occasional dealings with the public, or opportunities in some way or other of turning its interests to their account.

The mode proposed for putting a stop to these abuses, is to reform the parliament; that is to say, to have a scheme of representation, in which, the elec-

tions being more popular, the parliament should issue more directly from the general mass of the people, and a larger portion of it in consequence be likely to consist of persons taken from the lower orders, the country in the mean while, by the increased number of competitors, and by the means through which they must hope to succeed, being thrown into an additional ferment. The plan, with a view to its professed object, cannot be said either to promise much or to be chosen with very peculiar fecility. It is not an obvious way, for making the liquor run clear, to give a shake to the cask and to bring up as much as possible from the parts nearest the bottom. Could it be believed, without proof from the fact, that men could be found seriously to indulge speculations so destitute of every foundation in reason or common sense? The reform wanted, for the purposes said to be intended, is either a reform of the whole people, which it is childish to hope, or a reform in the government, by arming it with such new powers, as might indeed answer the end proposed, but would in the mean time be wholly incompatible with the nature of our free constitution.

There are but three ways in which mankind can be governed; by their virtues, their interests, or their fears. To be able to govern men by their sense and their virtues is unquestionably the best of all. If men will be ready always to support gratuitously what they think right, and oppose nothing but what they conscientiously believe to be wrong, the task of government would comparatively be easy, and corruption without excuse. The minister would have nothing to

do but to choose right measures; and the merit of the measure might be expected to carry it through. But if the fact should be, that there are numbers who cannot be brought to support even what they themselves approve, without being paid for it, and who, if they have not been so paid, or think they can get better payment elsewhere (whether that payment consist in place, or money, or popular applause, or the gratification of some malignant or selfish passion,) will combine and cabal, and create every sort of obstruction and impediment, there is then no other way, in a free government, for the purpose of carrying on the public service, but to gain over such persons by their interests, which, in the language of the time, is to be guilty of corruption; but a corruption surely of which the guilt cannot fairly be charged on the government.

In governments indeed of another sort, such as that which makes so conspicuous a figure in the present times, I mean the government of Buonaparté, the case is altogether different; and no more necessity exists for corruption under such a rule than in a nation of men perfectly wise and virtuous. He (Buonaparté) is under no necessity to bribe men's concurrence to measures that are for the interest of the country, and has, moreover, methods far more effectual than any which free countries possess, to prevent the abuses arising from fraud, or peculations. A man who could hang without ceremony a custom-house officer who should be found conniving at any fraud on the revenue, and hang or send to the gallies the merchant who

should bribe him to such connivance, may be pretty sure of confining within reasonable bounds all abuses of that description. The same will be the case with any other species of abuse. But how, in countries where conduct is free, men can be prevented from selling that, which they will not consent to give, and how, where law is formal and scrupulous, and beset on all sides with guards and defences for the protection of innocence, it can be made to retain, in all cases, sufficient celerity for the overtaking of guilt, are problems, with which the authors of these complaints never seem to trouble themselves. They call boldly and loudly for the suppression of abuses; and if the suppressing abuses was the only object to be attended to, the task would be easy. There is a government in the neighbourhood, the same to which I have just alluded, that tells us how that work is to be done. I will pay so much homage to Buonaparté's government as to say, that it either is, or may be, one of the most free from abuses of any that ever existed. But will the clamourers for this salutary reformation be content to have it upon the same terms? We have seen already, what the nature of the greater part of these abuses is, and from what source they spring. And do not let us take this upon trust. Let those who doubt, go into the inquiry, and examine, one by one, the instances in which they complain that the public money has been transferred wrongfully into the pockets of individuals, or the public patronage perverted, and see what the utmost extent is of that portion, which

has been appropriated to the interests of ministers, or of those for whom they were personally anxious.

Upon this issue we may suffer the question to rest, considered as part of a general system, which aims at a great change in the constitution (a subversion of it as I should say) under the name of Reform, and grounds the necessity of such reform upon the extent and number of the subsisting abuses. It remains only that we say a few words upon the more narrow view of the subjects as introduced by the Honourable Mover.

The direct end and object of the motion, as we collect from some passages in his speech, the specific effect which he means to produce, is that of erecting a barrier to the too great influx into this house of the moneyed interest. The means proposed are such as cannot but be approved, if the description of them be true, viz. that they consist entirely in the correction of a practice which is in the highest degree corrupt. The consequences, as usual in all cases where new remedies are advertised, are to extend far beyond the removal of the immediate complaint, and to benefit the constitution in a thousand different ways. It happens whimsically that the primary object of the mover, (a pretty important one, and requiring, one should think, a good deal of nice consideration), namely the altering the balance between the landed and the moneyed interest, seems to be no object at all with those to whom the motion is principally addressed, and not much indeed to the Honourable Mover, if

we may judge by the small portion which it has occupied of his speech. It slips in almost by parenthesis. It is lost and hid, in the splendour of the incidental advantages which the motion is to bring with it, in the confidence it is to restore, the unanimity it is to inspire, the heats it is to allay, the effect it is to have in silencing gainsayers, the foundation it is to lay of a new and glorious era, from the commencement of which nothing will be known throughout the country but one spirit of loyalty and patriotism, and a determination to live and die by the constitution. What a pity that prospects so bright, and which my Honourable Friend contemplates with such unspeakable satisfaction, should be so soon obscured! Never was hope so sanguine, so suddenly blasted! It is nipped in its first bud. It does not live to the second reading. It is consigned to the tomb almost at the moment of its birth.

"Oh just beloved and lost, admired and mourned!"

This medicine, which was to produce such wonderful effects, which was to operate like a charm, so comfortable in the stomach, so exhilarating to the spirits, so restorative of all the vital functions, has totally falsified the first assurance respecting it, namely, that it would be very pleasant to the taste. What it may be in the stomach, or afterwards, we cannot well say; for those for whose special use it was intended, who were to seize it so greedily, find it so little pleasant that they will not suffer it to remain within their

lips; but spit it out upon the hands of my Honourable Friend, at the very moment when he is in the act of administering it.

Much useful instruction and information may be derived from this fact as well to my Honourable Friend as to ourselves. My Honourable Friend, I hope, will learn a lesson, of great utility to all reformers, to distrust a little the more remote consequences of their measures, when they see how liable they are to error, even in those which they expect to take place immediately. The house, it is hoped, will learn this distrust with respect to the measure now proposed. It is no great recommendation of any medicine that its effects are totally mistaken by the person who advises it. All our confidence in the physician is already lost. The only certain knowledge which we have, as yet, of the measure, is, that it will *not* do what the Honourable Mover predicted of it. It will not satisfy those, who at present inveigh against the abuses of the system, and contend that it ought to be reformed. On the contrary, they say that this measure, unless accompanied with others far more extensive, will only make things worse.

I have already endeavoured to show that the practice meant to be corrected, has no crime in it abstractedly considered; that it is not a *malum in se*. It is culpable only as it may be made so by law, or as it may practically be found to produce effects injurious to the public interest. When opinion out of doors is urged as a reason for adopting it, the answer is, that

opinion out of doors, such as is here in question, is a very bad reason for adopting any measure, inasmuch as there can hardly be a worse criterion of what is really for the public benefit; and that, after all, the public opinion does not call for this measure separately and unaccompanied with certain others, which the Honourable Mover himself would declare that he does not wish to see take place. The inducements, therefore, to a compliance with the present motion lie in a very small compass indeed. They are simply its own merits; for, as to the splendid incidental consequences dwelt upon with such rapture by the Honourable Mover, they are all at an end already. There will be no satisfaction produced. What is called the public will not thank you for the measure, otherwise than as it may be made a subject of triumph and a stepping-stone to other objects. The objections to it on the other hand, are the dangers of this triumph, and of those other objects to which it is meant to lead.

Upon the result of these opposite considerations, first examined separately, and then compared together, I have no hesitation in earnestly conjuring the house not to adopt the motion. The practice complained of has subsisted at all times, without any ground to suspect, or any suspicion being in fact entertained, that, according to the discovery now made, it has been sapping and undermining the constitution. The reasons in support of the measure now proposed for the abolition of the practice are perfectly

unsatisfactory and inconclusive. We know the mischievous use intended to be made of it; and there can hardly indeed be any thing more mischievous in the first instance, than the yielding to public clamour, what we do not feel that we are yielding to truth and reason.

After a debate of some length, the motion was agreed to without a division.

MR. CURWEN'S BILL,

THIRD READING.

June 12, 1809.

THE Bill which occasioned the preceding speech received in the Committee, on the 8th of June, some material alterations, particularly a clause proposed by the Chancellor of the Exchequer, for levying certain penalties on any person procuring his return by any express *covenant to give any offices by way of consideration for it. Lord Henry Petty moved that the word "express" should be omitted, as otherwise, he contended, a power of procuring seats by means of patronage would be left to the Treasury. On a division, the numbers were,*

For the Amendment - -	43
Against it - - - -	78
Majority - - -	35

On the 9th, another division took place on an Amendment to the same effect, which was moved by Lord Milton, when the numbers were,

For omitting the word "express" - -	74
For inserting it - - - -	97
Majority - - -	23

On the 12th Mr. Curwen moved the order of the day for the third reading of the bill.

MR. WINDHAM said, that he felt it necessary for him to make some observations, as the bill had been so completely altered in the Committee, that there was danger lest, in voting against it now, after having voted against it before, he should appear to be guilty of inconsistency. It appeared to him as full of objections in its altered as in its original state; although the objections were of a different nature. His former objections rested, first, on the denial of that assumption which was made the foundation of the bill; secondly, that he conceived the reasonings by which it was supported, to be false, and dangerous in the extreme; and thirdly, that he conceived that it would open the door to infinite mischiefs. As to this implied corruption, if it is what the law had declared corruption, the law of course had also pointed out how it was to be punished; and if the utmost attention paid to the subject of these corruptions could produce nothing better than this bill, he thought the old legislators had done very well to stop where they did. He deprecated the bill originally, because he saw the difficulty of stopping at the point they might wish. It was easy to remove any abuse, if the removal of the abuse was the only thing to be considered, and if no regard need be had of the means to be employed, and of the mischiefs that might ensue. To take off a wen or other excrescence, the butcher would do as well as the surgeon, were no consideration

necessary of what might be the consequence of cutting it off unskilfully. The real question would be, whether the patient would not be left in a more dangerous state than that of the original disease, and especially when it was considered that there were numbers who, instead of healing, would perpetually apply caustics to the wound.

He thought the Honourable Gentleman (Mr. Curwen) was himself somewhat inconsistent in voting for a bill so opposite in its nature and tendency to that which he had originally introduced. He seemed to think that it was better to get half his measure than none of it. "Half a loaf," it was said, "is better than no bread," but not so, half a reform. It was a gross error to suppose, as was perpetually done, that the half of an act by which a benefit might be obtained was any thing like half the benefit. For instance, if the grievance complained of was a beard of a month's growth, or a pair of those absurd whiskers with which the faces of some of our soldiers were now disgraced, and the barber should say he had not soap enough to hold out for the whole face, but he would shave half of it, would the person so shaved be considered as getting rid of half the grievance? and more especially if the barber should say, as in the present instance, that although he shaved the hair from one side of the face, it would grow so much thicker on the other, so that there would be precisely the same quantity, although only on one side of the face. That was really the case in the present instance; for, as the Honourable Baronet (Sir F.

Burdett) has observed, the removal of the competition of private wealth would increase the power of the treasury. By the amended bill, the Honourable Gentleman (Mr. Curwen) might get half of his measure, but no part of his object.

He considered it most degrading and impolitic for a Government to comply with every temporary popular opinion; but he thought it more degrading still to endeavour to delude the people by giving them what was worse than nothing. The delusion, however, would not pass. The people, he was persuaded, would find out the trick, and would not be made to take Birmingham counters for sterling gold. The preamble, and the first clause of this bill, appeared to be merely calculated to deceive the people, and make them suppose that something was done, which was in fact not done. The people, to be sure, collectively considered, seemed to be made only to be duped. They were resolved always to be duped by somebody. They were duped by those haranguers, who told them that eleven millions and a half of the public expenditure might be saved. They were now about to be duped by ministers, who were ready to pass a bill, holding out a promise which could never be realized.

As to the parental affection which the Honourable Member (Mr. Curwen) had manifested for his bill, it was surely of the oddest sort possible; for it was for a child not his own. The child was a perfect changeling, with no resemblance to the former either in features or colour.

Qui color albus erat, nunc est contrarius albo.

It must have been got by a negro slave. The indifference too of the Honourable Gentleman between this and the original bill, was not less extraordinary. It was much the same as in a case that he remembered of a gentleman who made proposals in a family where there were several daughters, and when the father inquired which of his daughters it was that was honoured with his choice, replied, "just which you please." Upon which the father was said to have replied, very properly, "since you are so indifferent, I think it may as well be neither." The case however was stronger here; daughters may differ widely, but they cannot properly be said to be contrary or opposite. "Substantia substantiæ non contrariatur." Whereas these bills were in that state of opposition as to be mutually destructive of each other. But the Honourable Mover was determined to have a bill, and provided he succeeded in that object, it seemed to be no part of his consideration what the bill was.

The Bill, with the Amendments, was supported by the Chancellor of the Exchequer, and the Solicitor-General, and opposed by Mr. Adam, Sir Francis Burdett, Mr. Tierney, and Mr. Wilberforce. On the motion that the Bill do pass, the numbers were,

Ayes - - -	97
Noes - - -	85
Majority -	12

The following Amendment was proposed by Lord Folkstone, as a proper title to the Bill;—"A Bill for more effectually pre-

" venting the Sale of Seats in Parliament for Money, and for pro-
" moting a Monopoly thereof to the Treasury by means of Patron-
" age." *On a division there appeared,*

For the original Title - -	133
For the Amendment - -	28
Majority -	105

CRUELTY TO ANIMALS BILL.

June 13, 1809.

A Bill "for the more effectual Prevention of Cruelty towards "Animals," had been brought into the House of Peers by Lord Erskine, and having passed that House without a division, it had been read a second time in the House of Commons, on Sir Charles Bunbury's motion, also without a division. On the motion for going into a Committee upon this Bill, Mr. WINDHAM *addressed the Chair in the following speech:*

SIR,

MY first and general objection to this bill is, that the object of it, however commendable, is not such as to make it a fit subject of legislation.

For this opinion I have at least a pretty strong voucher, in the universal practice of mankind down to the present moment. In no country has it ever yet been attempted to regulate by law the conduct of men towards brute animals, except so far as such conduct has operated to the prejudice of men. The province of criminal legislation has hitherto been confined to the injuries sustained by men.

This fact, though affording a pretty strong presumption, (sufficient, one should think, to make us

pause and not hurry through the house, with hardly any discussion, a bill of so novel a character, is yet, I will confess, not absolutely conclusive. It may be right, that "all this should be changed;" that what is now proposed, should be done, though it has never been done before. But the question is, at least, of some importance, and not to be decided without great care and a most cautious consideration of all the consequences. The novelty of the subject, (not in its details or particular application, but in its general character,) is a topick brought forward and insisted upon, not by the opposers of the bill as an objection, but by its authors as a merit. In a pamphlet, circulated with great industry, (and of equal authority, as coming from the same source with the bill itself,) it is expressly stated, and with no small triumph, that the bill will form a new era of legislation.

Two reflections arise upon this: first, that we ought to take care, (to be cautious at least,) how we begin new eras of legislation; secondly, that we ought to have a reasonable distrust of the founders of such eras, lest they should be a little led away by an object of such splendid ambition, and be thinking more of themselves than of the credit of the laws or the interests of the community. To do that which no one yet has ever thought of doing; to introduce into legislation, at this period of the world, what has never yet been found in the laws of any country, and that too for a purpose of professed humanity, (or rather of something more than humanity, as commonly understood and practised;) to be the first who has stood up as

the champion of the rights of brutes, is as marked a distinction, even though it should not turn out upon examination to be as proud a one, as a man can well aspire to.

The legislature, however, must not be carried away with these impulses, of whatever nature they may be, but must consider soberly and coolly, whether it may not have been something more than mere indifference or want of thought that for so many thousand years has kept men from attempting to introduce this new principle, as it is now justly called, of legislation, and whether those who engage in the attempt at present, may not do far more harm than good.

Of the desirableness of the object, speaking abstractedly, there can be no doubt. As far as mere, uninstructed, wishes go, every man must wish, that the sufferings of all animated nature were less than they are. Why they are permitted at all, is a question, as has been observed by a great and pious writer*, which must for ever continue to perplex mankind, as long as we are allowed to see only in part.

But there is not only the wish that suffering universally should, if possible, be less than it is; there is a duty, I am ready to admit, upon man (the only animal, it is to be observed, that takes cognizance of others' pain †), to conform himself to that wish, in

* Dr. Johnson's Review of Soame Jenyns on the Origin of Evil.

† Compassion proper to mankind appears,
Which Nature witness'd, when she lent us tears:

the little sphere to which his influence extends. Morality itself may perhaps be defined, "a desire rationally conducted to promote general happiness," and consequently to diminish general pain; and I am far from contending, that the operation of that principle, so glorious to man, should not be made to embrace in its effects the whole of animal life. Let the duty be as strongly enforced, as far as precept and persuasion can go, and the feeling be as largely indulged as its most eager advocates can wish. I have no objection to any sacrifices, which any one may be disposed to make in his own person, for sparing the pain or promoting the enjoyment of others of his fellow-creatures, whether men or inferior animals. The more lively the sympathy, within certain limits, and the greater the sacrifice, the more will be the amiableness and the merit. Within certain limits, I have said, because, theoretically, there does appear to be limits which those feelings cannot pass, without defeating, instead of promoting, the ends of Providence, which must be presumed to have intended them as the

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Of tender sentiments we only give
This proof; to weep is our prerogative.
Trans. of JUVENAL.

And further on in the Original,

Separat hoc nos,
A grege mutorum; atque ideo venerabile soli
Sortiti ingenium, divinorumque capaces,
* * * * * * *
Sensum à cœlesti demissum traximus Arce,
Cujus egent prona et terram spectantia.

means of attaining the greatest *quantum* of happiness. Sympathy seems to be necessary to the production of virtue, as well as for securing a better use of those powers, which man is allowed to possess for the good or harm both of his own species and of other portions of animal life. But were every one to feel with equal sensibility the pains of others as his own, the world must become one unvaried scene of suffering, in which the woes of all would be accumulated upon each, and every man be charged with a weight of calamity beyond what his individual powers of endurance are calculated to support.

There is little danger, however, of this excess. One may safely lay it down as a rule, that the more any one feels for the suffering of others, the more virtuous he should be accounted; and that he is at liberty, in this respect, to give a full loose to his feelings.

But the very same considerations will make it dangerous to allow of systems in which men are to become virtuous at others' expence, and be armed with powers to enforce upon others those sympathies and feelings which may be wanting in themselves. It is not sufficient to state of any thing, that it is matter of obligation, to justify an attempt to enforce it by law. Laws are almost universally restrictive. They restrain acts which are injurious to the community, and which are such moreover as can be clearly defined. There are whole classes of duties, known to writers on morals under the name of Imperfect Obligations, which no one ever thought of enforcing by law; not

because they are, in point of moral duty, less obligatory than others, but because they are of a nature that, to exist at all, must be spontaneous, or are such as that law cannot be made to apply to them. What idea can any one have of a law, to enforce charity, gratitude, benevolence, or innumerable others of the Christian virtues? If a man with thousands in his coffers, and of which perhaps he makes no use, should suffer a fellow-creature, whose case is fully known to him, to perish in the next street for the want of a few shillings, you might inveigh as bitterly as you pleased, and as he most justly would deserve, against his want of humanity; but would you ever think, that there ought to be a law to punish him? The same may be said of cases that occur, I fear, too frequently, under the influence of the poor-laws, where paupers at the point of death, and women expecting at every moment to be seized with the pangs of labour, are turned out into the streets or roads, sooner than by the death in one case, or the birth in the other, a burthen should be brought upon the parish. The poor-laws are an example of an attempt to force charity; and fine encouragement they give to such attempts! But after all that they have done,— unfortunately done,— how much is left, which the law does not attempt to reach?

It will not be difficult to show, that the case is much the same in respect to the objects now meant to be provided for. The measure sets out with a preamble, containing a lofty maxim of morality or theology, too grand to be correct, too sublime to be seen distinctly, and most ludicrously disproportioned to the enactments

that follow; wherein it is declared that God has *subdued* various classes of animals to the use and benefit of man; and from thence it seems to be inferred, not very consequentially, that we ought to treat them with humanity.—That we ought to treat with humanity, that is, that we ought, in all we do respecting them, to have a consideration of their pains and pleasures, is a maxim which I am not at all disposed to controvert; but it does not seem immediately inferrible from the permission before recited. If humanity indeed be carried to its utmost extent, it must rather have the effect of abridging that permission, and of leading us, like the Gentoos, at least to abstain from eating the animals thus consigned to us, if not from using them in any way that should not be productive to them of more gratification than suffering. The humanity, however, that is now recommended, is not meant, it seems, to go that length. We may destroy them for the purposes of food, that is, of appetite and luxury, to whatever amount and in whatever ways those purposes require. Another class of us likewise, namely the rich, may destroy them, in any modes, however lingering and cruel, which are necessary for the purposes of *sport* and *diversion*. Even independently of the doubt which these striking exceptions create, we may ask reasonably, what is humanity? Is it any thing capable of being defined by precise limits? or is it a mere question of degree, and something consequently which is not capable of being set forth in words, but must be left to the de-

cision of some living tribunal, giving its judgment upon each particular case?

Here we come back to the first and fundamental objection, to legislating upon this, and various similar subjects. You inflict pains and penalties, upon conditions which no man is able previously to ascertain. You require men to live by an unknown rule. You make the condition of life uncertain by exposing men to the operation of a law, which they cannot know till it visits them in the shape of punishment.

What is humanity? It is generally the having a consideration for the sufferings of others (men or other sentient beings), as compared with pains or gratifications of our own. But what the proportion is, necessary to be observed between our own and others' pain, or, (as is oftener the case in the subject now under consideration,) what the proportion is between others' pain and our pleasure or interest, no mortal attempts to ascertain: nor is it one and the same, but as various as there are various men, and various circumstances and subjects to which it is applied. It is not only not the same in any two men, but not the same in the same man for half an hour together, being changed, according as he applies it to one case or another, or is in one humour or another, or, above all, is judging in the case of others or of himself. This is no exaggerated representation. As a proof, let any man go through the instances where his humanity has been shocked at one time, and where at others it has remained perfectly in repose.

The instances of ill treatment of animals, which most frequently occur, (and are most in the view of the advocates of this bill,) are those which arise from passion; a coachman whipping his coach-horses, a carman beating his cart-horse. The undisturbed spectator, who knows nothing of the causes that have led to this, and who, as Swift says of men bearing others misfortunes, can bear the provocations which have inflamed another, "perfectly like a Christian," is full of virtuous ire, and inveighs hotly against the man who can thus go into a senseless passion with his horse; but he does not consider that the irritability here shewn may have come upon a man wearied by long labour, and soured by some recent vexation, and have been excited withal by something in the horse, which he has been led, foolishly for the most part, to consider as perverseness; nor does the blamer recollect, how he himself the day before, when he was riding comfortably to get an appetite for his dinner, spurred his horse most unmercifully (as violently as his fears would let him), because the animal had been guilty of starting or stumbling.

Here is an instance of that different standard of humanity, which men have in their breasts for themselves or others, for their cooler and for their passionate moments; and we may thence see what flagrant and scandalous injustice would be done, under a criterion subject to such variation.

It is no answer to say, that the judgment would not be unjust, merely because the judge might have been guilty of the same offence: and that as he might punish

others, others might punish him. The judge, we know, would not be punished. Few would inform against His Worship, the 'Squire, because he had rode his hunter to death, or unmercifully whipped, or in a fit of passion, shot his pointer. The scandal therefore in the general administration of the law would remain, even though those who were convicted were punished justly.

But it is not true, that passion would not be mixed even in the judgment itself. Passion may be suspected to mix itself, and does in fact continually mix itself, in all judgments carried on by close and summary jurisdictions, and by persons who are little likely to be made responsible for their conduct. Such jurisdictions must of necessity perhaps exist in many cases, and where the necessity can be shewn, must be submitted to; but they are not on that account the less to be deprecated, or more fit to be adopted where their establishment must be matter of choice. There is, in truth, one general passion applicable to the present case, which would not fail to operate in every part of the process; in the judgment often, but still more frequently in the information; and which will form a complete answer to that childish plea in favour of the bill, viz. that as no reward is given, no temptation will be held out to informers.

The passion here alluded to is one of great account in human nature, though not so often noted as it ought to be, namely, the love of tormenting. There was a book written some years ago, commonly ascribed to a sister of the author of Tom Jones, but really the

work of a lady of the name of Collyer, which treats this passion, under the title of 'The Art of ingeniously Tormenting;' and after illustrating, with great acuteness and much nice observation of character and manners, its operation in various relations of domestic life, — as, how to torment an humble companion, how a wife should torment her husband, and a husband his wife, — concludes with a chapter, entitled, 'General Rules how to torment all your Acquaintance.' It will be found by any one who may peruse this book, how much there is of this principle continually in operation, of which the peruser has often witnessed the effects, without at the time having understood or attended to the cause.

But frequent as these instances are, as seen and described by the author referred to, they are nothing in extent and amount to those which are carried on, under a new and more enlarged head, which did not come within the scheme of her work, nor fall, possibly, within the scope of her contemplation, viz. the art of tormenting people in the name of the public good, an art which seems to have been gaining ground considerably in our days, and to have had a larger share in the acts of the legislature, as well as to have produced more annoyance in society, than people are commonly aware of. Here the trade of course is wholesale, and carried on upon a large scale. And it is not to be told, how eager the passion is, when animated and sanctioned by the auxiliary motive of supposed zeal for the public service. It is childish of people to ask, What pleasure can any one have in tormenting

others? None in the mere pain inflicted, but the greatest possible in the various effects that may accompany it, — in the parade of virtue and in the exercise of power. A man cannot torment another without a considerable exercise of power, — in itself a pretty strong and general passion. But if he can at once exercise his power and make a parade of his virtue (which will eminently be the case in the powers to be exercised under this law), the combination of the two forms a motive, which, we may fairly say, flesh and blood cannot withstand. Young's 'universal passion' has not a wider range, nor a stronger influence, than the union of these two feelings.

In what a state then should we put the lower orders of people in this country (for they are the only persons who would be affected), when, for the sake of punishing some rare and hardly heard-of enormities, (the narrow but only rational object of the measure) we should let loose upon them a principle of action like that above described, armed with such a weapon as this bill would put into its hands? All the fanatical views and feelings, all the little bustling spirit of regulation, all the private enmities and quarrels would be at work, in addition to those more general passions before stated, and men would be daily punished by summary jurisdiction, or left to wait in gaol for the meeting of a more regular tribunal, for offences, which are incapable of being defined, and which must be left therefore to the arbitrary and fluctuating standard which the judge in either case might happen to carry in his breast. The bill, instead of being

called, A Bill for preventing Cruelty to Animals, should be entitled, A Bill for harrassing and oppressing certain Classes among the lower Orders of His Majesty's Subjects.

The manner in which it would be thrown upon them, and the scandalous injustice with which it would be attended, may be exemplified by one of the instances set forth by the authors of the bill themselves. The cruelties suffered by post-horses are a favourite topic. But on whom is the punishment to fall? On the post-boy, or on the traveller? On the post-boy, who is the only person who would be seen inflicting these severities? Or on the traveller, who sits snug in the chaise, having only hinted to the post-boy, that he meant to dine at the next stage, and that if he should not bring him in in time, he would never go to his master's house again, nor give him any thing for himself.

This case of post-horses belongs also to another head, to which I will now proceed; namely, the objections that lie against the bill on the score that it is doing that by law, which, if people are sincere in their feelings, may be done by other methods.

Laws never ought to be called in but where other powers fail. Upon whom is the whole force of this bill to be discharged? what are the instances which are uppermost in every one's mind, which have been first cited as proofs of the necessity of such a measure, and in which indeed the bill either will or is intended to act? Why, the cruelties inflicted on horses by grooms, coach-men, post-boys, carmen, servants in

husbandry, or others, to whom such animals are entrusted. But whose property are these animals? Why, the property of persons, who have some (generally great) power respectively over the several classes of persons above enumerated. Why do not these masters and owners exert themselves in earnest, in punishing such offences whenever they come within their cognizance, or are even known to them in a way which, though not sufficient possibly for a legal process, would be abundantly sufficient for all the purposes that are here in question? But, no; they are often the direct parties, the parties interested in, and the parties instigating, the very cruelties or severities which they affect to decry.

One of the favourite instances in the fashionable female circles, as they are called, of this town, and who appear by-the-bye to have been very diligently canvassed, are the cases with which the members of these societies have been continually shocked, of coachmen whipping their horses in public places: an instance by the way by no means of magnitude enough to call for the interference of the legislature. But be its magnitude what it will, why must the legislature be called in? are there not means (sufficient probably for punishing the offence adequately in each instance, but certainly for preventing the practice,) in the power possessed by masters and mistresses? But apply to any of these ladies, and satisfy them, after much difficulty, that their coachman was the most active and the most in the wrong, in the struggle, which caused so much disturbance at the last Opera, and the answer probably.

will be, 'Oh! to be sure; it is very shocking; but then John is so clever in a crowd! the other night at Lady Such-a-one's, when all the world were perishing in the passage, waiting for their carriages, ours was up in an instant, and we were at Mrs. Such-a-one's half an hour before any one else. We should not know what to do, if we were to part with him.' Is it the coachman here, who most deserves punishment? or is it for the parties here described to call for a law, which is to lay the foundation of a new era of legislation, and to operate with great severity and most flagrant injustice upon whole classes of people?

A similar instance will be found in the case just alluded to, of the traveller and the post-horses. Whose fault is it, in nineteen cases out of twenty, that these sufferings are incurred? The traveller drives up in haste, his servant having half killed one post-horse in riding forward to announce his approach; the horses are brought out; they are weak, spavined, galled, hardly dry from their last stage. What is the dialogue that ensues? Does the traveller ever offer to stop on his journey, or even to wait till the horses can be refreshed? Such a thought never enters his head; he swears at the landlord, and threatens never to come again to his house, because he expects to go only seven miles an hour, when he had hoped to go nine; but when the landlord has assured him, that the horses, however bad in their appearance, will carry His Honour very well, and has directed the 'lads' to 'make the best of their way,' the traveller's humanity is satisfied, and he hears with perfect composure and

complacency the cracking whips of the postillions, only intimating to them, by-the-bye, that if they do not bring him in in time, they shall not receive a farthing.

What revolting and disgusting hypocrisy is it in persons daily witnessing without remonstrance, or acting in such scenes, who will not sacrifice the smallest particle of their convenience in consideration of any pain that is to result from it, to be inveighing with such exaggerated sensibility against the cruelties practised on the brute creation, and calling for a law to punish them; much of that cruelty being incurred in their service, and under their own immediate inspection and orders! Where is the justice of punishing the innkeeper here, who, if he refuses his horses, loses his customers and his means of livelihood, or the postboy, who when once employed must perform the task assigned him by such means as he has, and must ply his whip till the pain or threat overcomes the pain of the effort, which is requisite to carry the horses through their stage?

Such, Sir, are the proofs of the injustice of the law, and such the proofs that no law, just or unjust, is necessary, even in the cases to which it applies.

But what shall be said of the flagrant and horrid injustice, of withdrawing from its operation and cognizance, a whole class of cases, which, if such a bill be to pass, could not, one should think, be allowed to stand an instant, as being more than any others, in the very line and point-blank aim of the statute, and having nothing to protect them, but that which ought

in justice and decency to be the strongest reason against them; namely, that they are the mere sports of the rich? Is it to be endured or believed, that a legislature setting about the great and original work of enacting laws to prevent the sufferings of the brute creation, should still reserve to themselves, and that too by a most severe and invidious code, the privilege of killing animals by a cruel and lingering death, in mere sport and wantonness? The reason assigned for this extraordinary omission, by the author of the bill, may be suspected as having been intended in mere mockery. It is said that being *feræ naturæ* (a learned distinction, but never before, surely, so whimsically applied), they are not entitled to the protection of man. But why, because they do not ask his protection, are they to be liable in consequence to be persecuted and tormented by him? On the contrary, if he does nothing for their good, he ought the rather to be required to do nothing for their harm. They would perish, it is said, if left to themselves, often by a cruel death. But what is the animal, man not excepted, that is not liable so to perish? If this argument be good for any thing, it may justify, in pure kindness, our killing one another. Another danger is, that they would become so numerous as to overrun the earth. But this danger, formidable as it may be in respect to other animals, certainly does not apply to one great class, with which notwithstanding we make pretty free, namely, the fishes.

After all, when humanity is the question, what connection is there between the necessity of destroying

those animals and the right which we claim of being ourselves the destroyers? It is very public-spirited, no doubt, in all the higher orders of people to offer themselves gratuitously as vermin-killers to the rest of the community; but it is an odd choice for them, as men of humanity; particularly as it is found, that these vermin are encouraged and protected for the sake of being afterwards killed, and certainly by a mode of destruction in many instances, not capable of being exceeded in cruelty by any to which they could naturally be liable. Even in the case of sheep and oxen, which must, it is admitted, be killed, and might be killed possibly by a gentleman with as little pain as by the butcher, we should think it an odd taste in any one, to be desirous literally to kill his own mutton, and to beg of his butcher that he might be allowed on the next slaughter-day to take his place.

It is in vain therefore by such wretched evasions and subterfuges to attempt to disguise the fact, that if with such a preamble on our statutes, and with acts passed in consequence to punish the lower classes for any cruelty inflicted upon animals, we continue to practise and to reserve in great measure to ourselves, the sports of hunting, shooting, and fishing, we must exhibit ourselves as the most hardened and unblushing hypocrites that ever shocked the feelings of mankind. I do not know any thing, that could so justly call for a measure, which I have always been among the first to resist, a Parliamentary Reform. Strongly as I have always declared against such a measure, as wholly uncalled-for by any thing in the practice of parliament as

now constituted, I must fairly confess, that if it should appear in any instance that so scandalous a distinction could be made between the interests of high and low, rich and poor, I should be not a little shaken in my opposition, and must be driven in a great measure from that argument, which, as long as it can be maintained, is conclusive against every such proposal, namely, that there is no class in the community whose interests, even as parliament is at present constituted, are not upon the whole fairly taken care of. What a pretty figure must we make in the world, if in one column of the newspapers we should read a string of instances of men committed under 'the Cruelty Bill,' some to the county-gaol to wait for trial at the assizes, some by summary process to the house of correction; and in another part an article of 'Sporting Intelligence,' setting forth the exploits of my Lord Such-a-one's hounds; — how the hounds threw off at such a cover; that bold Reynard went off in a gallant style, &c. and was not killed till after a chace of ten hours; that of fifty horesemen who were out at the beginning not above five were in at the *death;* that three horses *died* in the field, and *several* it was thought would never *recover;* and that upon the whole it was the most glorious day's *sport* ever remembered since the pack was first set up! Is it possible that men could stand the shame of such statements? That this house which tolerates such sports, nay, which claims them, as the peculiar privilege of the class to which it belongs, a house of hunters and shooters, should, while they leave these untouched, be affecting to take the brute

creation under their protection; and be passing bills for the punishment of every carter or driver, whom an angry passenger should accuse of chastising his horse with over-severity?

I beg not to be understood, as condemning the sports, to which I have been alluding, and much less, as charging with cruelty all those who take delight in them, cruel as the acts themselves undoubtedly are. I will not dispute with my friend, the Honourable Mover (Sir Charles Bunbury), what the *quantum* of cruelty is in horse-racing; whether the whip is always as much spared as he supposes, or whether when it is, the forbearance proceeds from humanity, or from an opinion that more would be lost by the horse's swerving and the rider's seat being rendered unsteady than would be gained by the pain. Though no sportsman myself, I shall lament the day, should it ever arrive, when, from false refinement and mistaken humanity, what are called field-sports (or sports indeed of almost any kind), shall be abolished in this country, or fall into disuse. So far from arraigning those who follow them, my doctrine has ever been, that, strange as it may seem, cruel sports do not make cruel people: and I will quote for this the great body of the English country-gentlemen, and of the English people, now and in all former times.

But still while these practices are permitted, beneficial as I may think them in their general consequences, but cruel as they certainly are in their immediate effects, I can never consent, that the house should go off into such a wild and frantic act of hypocrisy, as to hold

itself out, all at once, for the champion of the brute creation, to an extent unattempted yet in the laws of any country. I deny, generally speaking, the existence of the abuses complained of. I deny at least the increase of them, and that the treatment of animals is worse now than in former times, or with us than in other countries. There is in general, no doubt, a very coarse and harsh treatment of them, such as may be expected from the coarseness of the people to whose care they are for the most part committed; but even this is often founded more in ignorance and unskilfulness, than in malice or ferocity. Such as it is, however, let it be corrected by all the means that can with propriety be applied; by reproof, by discountenance, by example, by admonition, by punishments finally of various kinds that might with ease be resorted to, and be made abundantly sufficient for their purpose, were not men more ready on all occasions to call for new laws, than to tax their own selfish indolence by a due exertion of the powers which they already possess. Many of these instances are moreover falsely estimated by those who allow their sensibilities (always prompt and eager in their application to others) to outrun their judgment. It has happened to me as often as to my neighbours, to have squabbles with carmen and drivers of different descriptions for ill treating their horses: but I have more than once had reason afterwards to think myself in the wrong, and that my complaints have been ill-founded, or were, at least, overcharged.

Instances are however unquestionably to be met with, of shocking and atrocious cruelty, which every one must wish to have the means of punishing. A case of this sort, known or related, instantly inflames men's minds, and disposes them without further consideration, to call for a law. But a law is a serious thing, and ought not to be adopted, merely upon such impulses. There has grown up in the country, of late years, a habit of far too great facility in the passing of laws. The immediate object only is looked to; some marked cases are selected, in which the intended operation of the law coincides with the general feeling: but no account is taken of the numerous instances of individuals who would silently become its victims, and of the depredations which it would make on the general happiness and security of persons in lower life.

It is always a question, whether the good effects of a law in a few rare instances, are a compensation for the general constraint imposed by it, and the cases in which it will operate unjustly. Nor is it true, that in the very instances that will be adduced on behalf of the present bill, the crime will go (or at least need go) unpunished, even though there be no law specially provided for the purpose. What will be the number of cases, for example, in which the animal ill-treated is not the property of some one, who, if his zeal for humanity be what the clamours of the advocates for this bill would seem to indicate, may surely, either by himself, or with the aid of others, inflict ample punishment on the offender, on the score of mere pecuniary

injury? But even where means for that purpose cannot be had, or an injury of that description cannot be pleaded, the mere publication of the fact, which may be the work of any one, with the steps that may be taken to turn upon it the public attention and indignation, will produce in the end consequences as severe as any that the case requires, or that can be hoped for from a law. If there be not virtue or humanity enough in the country to make the commisson of such outrages ruinous to the party even in point of fortune and circumstances, to hunt down such offenders by a general exclusion from all the benefits of intercourse, and by marking them out as objects of general detestation, it may well be doubted what the effect of a law would be, and whether among those who call for such a law, there is not more of a fondness for persecution, and lust of power depending for its exertion on little else than their own will, than of real concern for the interests of humanity.

It must at all events be more by manners than by laws, that any good can be done upon this subject. Animals used in the service of man, are left unavoidably so entirely at his mercy, are exposed so much to clandestine mischief, and can so little make known their own injuries, that it will always be a question, whether an attempt to protect them with vindictive justice, will not subject them to more ill-treatment than it is likely to guard them from. If manners cannot protect them, miserable indeed must be their condition, in spite of all that law can do for them. It is not possible, in the nature of things, that law can with so

much precision define the duty, as to be able to ensure to the breach of it the intended punishment, without trusting more than in the imperfect state of human jurisdictions it is fit to trust, to the discretion of the magistrate. It is a duty evidently of that sort which are called 'imperfect obligations;' of which the definition is, that though equally binding in conscience with other duties, they are not capable of being inforced by law. They must in consequence be left to morals. Let them be inculcated upon that footing in every possible way, from the pulpit, from the press, by precept, by exhortation, by example. But let us not run counter to the nature of things, by attempting, what, the authors of the bill itself tell us, was never yet attempted: and above all things let us not bring in such a bill as the present, which, without contributing possibly in the smallest degree to the very object in view, will let loose a most cruel scourge upon the lower orders of the people, will commit the most flagrant injustice in the manner in which the bill will be executed, and constitute a general charge of injustice against the house, such as it has never before been exposed to, and from which it will be impossible to vindicate it.

Sir, the objections to the bill are indeed so numerous, and of such a nature, that I am satisfied it would never have proceeded so far as to be now a subject of discussion in the House of Commons, if those who are really adverse to it would fairly have stood by their opinion, and had not been awed by the apprehension, that in opposing a bill, directed to objects apparently

so praise-worthy, and supported by topics so plausible and popular, however ultimately fallacious, they should render their own humanity questionable, and even expose themselves to be considered as the direct abettors and advocates of cruelty. I have no doubt that such will be the charge made against me. But to that I must be content to submit, sooner than fail in the duty of opposing a measure so objectionable as I think this to be, in every view in which it can be contemplated.

I should have no fear in trusting my justification to the reasons I have already given, much as they fall short of what I might urge upon the subject, if I were not unwilling to trespass further on the attention of the house. But whatever has been wanting on my part will be amply supplied by an admirable paper in a late publication*, in which will be found much masterly discussion upon this subject, considered in a point of view in which, for the present, I have abstained from speaking of it, namely, in its connection with the Society for the Suppression of Vice. As well with a view to that Society as to the present subject, and to the connection between the two, I earnestly recommend to Gentlemen the perusal of that paper.

Sir, I shall now propose to negative the motion for the Speaker's leaving the Chair, for the purpose of moving afterwards that the bill be committed to this day three months.

* Edinb. Review, No. 26.

Mr. Stephen, Mr. Jekyll, Sir Samuel Romilly, Mr. Morris, and Lord Porchester, spoke in favour of the Bill. Mr. Davies Giddy, Mr. Frankland, Mr. Perceval, and the Solicitor-General doubted the necessity of it. The House divided,

For going into the Committee -	40
Against it - - - - -	27
Majority - - -	13

But on a subsequent day, on a motion that the House should go into a Committe on the Bill, Mr. Windham moved as an Amendmendment, that the Bill should be committed that day three months. Upon a division, there appeared,

For the Committee - - -	27
Against it - - - -	37
Majority against the Bill -	10

The Bill was of course thrown out.

In the next session, the Bill was again brought into the House of Peers by Lord Erskine, with some alterations, and was read a first and second time, and committed; but it was subsequently withdrawn by the Noble Framer of it, who stated that he hoped to be able soon to prepare some other measure on this subject which would receive the unanimous vote of the House.

ALTERATIONS IN THE MINISTRY.

In the Autumn of 1809, the death of the Duke of Portland and the resignations of Lord Castlereagh and Mr. Canning, occasioned the following alterations in the list of ministers:

Mr. Perceval, First Lord of the Treasury, vice Duke of Portland.

Marquis Wellesley, Secretary of State, Foreign Department, vice Mr. Canning.

Earl of Liverpool, ditto for War and Colonies, vice Viscount Castlereagh.

Right Honourable R. Ryder, ditto for Home Department, vice Earl of Liverpool.

Mr. Perceval continuing to hold his appointment of Chancellor of the Exchequer.

And early in the following Spring, two further alterations took place, viz.

Lord Mulgrave, Master of the Ordnance, vice Earl of Chatham.

Right Honourable C. Yorke, First Lord of the Admiralty, vice Lord Mulgrave.

SCHELDT EXPEDITION.

January 26, 1810.

LORD Porchester moved, "that a Committee be appointed to "enquire into the Policy and Conduct of the late Expedition to the "Scheldt." Mr. Windham Quin seconded the motion, which was supported by Mr. Bathurst, and resisted by Mr. Croker and the Chancellor of the Exchequer, on the ground that it was necessary that the House should, before they came to a vote on the subject, be furnished with the papers which, in His Majesty's speech, had been promised to be laid upon the Table.

MR. WINDHAM said that if ever there was a case which called for the unanimous vote of parliament, the late disastrous campaign was that case. Indeed, in his opinion, the vote ought to be carried by acclamation. It was not necessary to wait for papers in order to determine that inquiry was necessary. The information on which to ground opinion was already before parliament and the country. To be sure, the papers might have furnished an aggravated proof of guilt in some quarter or other, and might shew that the Right Honourable Gentlemen were not chargeable with the whole blame of the failure, but it was unnecessary to wait for documents or proofs to ascertain whether

there were calamity and failure. The house did not want them. If, indeed, after it had declared inquiry necessary, the house should proceed to ask for the production of papers, it could not be in order to ascertain whether there was blame, but it would be to know the aggravations of their conduct, or to judge how the instruments employed in the execution were committed, with those who advised the plans, in the responsibility.

To satisfy the house that inquiry was necessary, it had only to look to Walcheren, to consider of the termination of the expedition, and to contemplate the present state of the army that was sent there. Search the military annals of Great Britain, and there was no precedent of such extensive, complete, and unqualified failure. The greatest possible failure might take place, and still no blame attach any where; but here was an expedition terminating in great disgrace and unparalleled disaster, and with numerous presumptions of misconduct. It was not that the expedition failed, but that it could not succeed, that the house and the country had to complain of. It was generated in calamity, and your troops were marched from their own shore direct to destruction. There were none of those extraordinary obstructions encountered which have often been so fatal to the best arranged operations? nothing in the conduct of the officers — no impediments from wind and weather, and the events proved, that where our troops came in contact with the enemy, success was the uniform consequence. In neither could there be traced any interruption to our

eventful success through the fortune of war — a cause too frequently decisive upon some of its greatest and most extensive operations. It was demonstrable that this expedition had failed and solely failed from pre-existing causes. Why ministers did not know of them, was a part of his accusation and their misconduct. They should have been aware of the nature of the climate, of the poisonous air of Walcheren. But the event proved, that they either did not know of them, or knowing, that they disregarded them. 'They marched the British army to its grave, to be extinguished amidst the pestilential air of Walcheren, to go out like a candle in a vault.

In every view the house could take of the question, it must appear evident upon their own shewing, that ministers had completely failed. If it was taken up as a foreign object, with a hope of affecting the state of events at that time in Germany, its object was wholly frustrated, and if it was considered solely as a British object, the calamitous result, in that case, completely contradicted its purpose. The great and uncontrollable cause of the failure arose from the utter impossibility that it could succeed. It would be a reproach for ever to the character of parliament, if it suffered its attention to be diverted for one single day, from taking steps of inquiry, by any vain delusive hope held out from the production of papers. By the way, he must be permitted to observe, that those papers, had ministers been sincere in their professions, should have been delivered the first day the house assembled. Let it not be said that they were not prepared. They

who could foresee nothing else, must have, at least, foreseen that parliament was to be assembled. With so many months to prepare they could have no excuse for not having all the documents on the first day of the session.

The Right Honourable Gentleman concluded by observing, that he could not admit the explanation of the Chancellor of the Exchequer, relative to the introduction of the King's name by the Honourable Gentleman near him (Mr. Croker.) Such an introduction of it into the debates of that house ever had been and ever ought to be reprobated as a gross impropriety. Certainly it had on the present occasion proceeded from a very young member, and was probably to be ascribed to his want of sufficient parliamentary usage and experience.

After a debate, in which Mr. Ponsonby, Sir Samuel Romilly, Sir Home Popham, Mr. Wilberforce, Mr. H. Martin, and Mr. W. Smith spoke in favour of immediate enquiry, and Mr. Stephen, Mr. Sumner, Mr. Lascelles, Mr. Gooch, and Mr. Canning supported the previous question, the House divided, and the numbers proved to be,

For Lord Porchester's motion -	195
Against it - - - -	187
Majority for enquiry -	8

THANKS TO LORD GAMBIER.

January 29, 1810.

THE Chancellor of the Exchequer moved the following resolutions:

1*st.* "*That the thanks of this House be given to Admiral* "*the Right Honourable Lord Gambier, for the zeal, judgment,* "*ability, and anxious attention to the welfare of His Majesty's* "*service, which marked his Lordship's conduct as Commander* "*in Chief of the fleet in Basque roads, by which the French* "*fleet, which had taken refuge under the protection of their own* "*batteries, were driven on shore and disabled, and a consi-* "*derable part of them destroyed on the* 11*th and* 12*th of* "*April* 1809."

2*d.* "*That the thanks of this House be given to Rear-Admiral* "*the Honourable Robert Stopford, Captain Sir Harry Burrard* "*Neale, Baronet, Captain of the fleet, and to the several cap-* "*tains and officers of the fleet under the command of Admiral* "*Lord Gambier, for their gallant and highly meritorious con-* "*duct on that glorious occasion, particularly marked by the* "*brilliant and unexampled success of the difficult and perilous* "*mode of attack by fire-ships, conducted under the immediate* "*direction of Captain Lord Cochrane.*"

3*d.* "*That this House doth highly approve of and acknowledge* "*the services of the seamen and royal marines on board the ships* "*under the command of Admiral Lord Gambier, in the late*

" *glorious and successful attack on the French fleet, in Basque* " *roads, and that the captains and commanders of the several* " *ships do signify the same to their respective crews, and do* " *thank them for their meritorious and gallant conduct.*"

MR. WINDHAM having doubts on the vote which he should give, would wish to state what they were, but still more strongly what they were not. He was adverse to the revisal of the decisions of courts-martial; but the vote of thanks forced him to put himself to the trouble of thinking a little. He thought a motion for papers on such a subject was unnecessary; the thanks of that house did not deserve to be lavished on any man, unless his service was of that rank which forced itself into universal report, and universal admiration. It was not to be evolved in some obscure process of official chemistry; not to be drawn out from under bundles of obscure records; not to be elicited from any keen, cunning, recondite, subtilizing process, beyond the practice or perception of the general mass of mankind. To be praised it must be known; to be matter of thanks it must be matter of publicity. He then adverted to the instance of Sir Home Popham, in which he accused the conduct of the Admiralty, as taking away its effect from the sentence of a court-martial, by conferring situations of confidence on him, subsequently to his having received a reprimand. Lord Gambier never came into the action. This was admitted by all the evidence, yet this should not throw a stain upon him. It was not his place. The aspersion thrown upon him for spar-

ing the lives of men was idle. It was the highest praise of the first military characters that they saved blood. Great commanders hate the unnecessary waste of human lives. They were careful of their men, and it was their proudest boast that they accomplished their victories without the unnecessary expenditure of a single soldier. But in voting thanks it was time to pause. Their old rewards were become worthless. It had been said, that nothing was left but the peerage, and even the most lavish disposal of that high honour; they gave it away by two steps at once. This was the natural process where there was no distinct scale of merit and reward; but it was time to stop. They had in their hands the great provision for national virtue; they had the honours of the country intrusted to them, and it became them, as legislators, not to suffer its streams to be idly diverted, nor to be prodigally and profusely poured forth, to slake the thirst of undeserving ambition, still panting, still insatiable.

On a division, the numbers were,

For the motion - -	161
Against it - - -	39
Majority - -	122

BATTLE OF TALAVERA.

February 1, 1810.

THE Chancellor of the Exchequer moved, "That the thanks "of this House be given to Lord Viscount Wellington, for the "distinguished ability displayed by him on the 27th and 28th of "July last, in the glorious Battle of Talavera, which termi- "nated in the signal defeat of the forces of the enemy." Lord Milton moved, as an Amendment, "That the thanks of this "House be given to the officers and troops who served under "Lord Wellington, for their undaunted courage and gallantry "on the 27th and 28th of July, in the Battle of Talavera. "But while the House gave this praise to the officers and men, "for their undaunted courage and gallantry, they had to lament "that the army since that period had been unable to resume "active operations. They had also to lament, that, after the "battle, they had suffered the enemy to pass two days in inacti- "vity, without attacking them, and also for having allowed "themselves to be cut off at the bridge of Arzobispo."

Mr. Vernon seconded, and Mr. Whitbread supported this Amendment. Lord Castlereagh, General Charles Craufurd, and General Stewart spoke strongly in favour of the original motion.

MR. WINDHAM observed, that the arguments he had heard did not divest him of the opinion, that the Battle of Talavera was a glorious victory. The

Honourable Gentlemen on the opposite side spoke of feeling: he believed, when the victory was first announced in this country, there was not a man but gloried in it. He was afraid we had got too much military special pleading, that would argue merely on the result, not the valour and generalship shewn. It put him in mind of a story of a wag, who was asked, how he came by a visible fracture on his face? "Why, I beat him, and he beat me, but I gave in first;" so with the French, as the victory was claimed on both sides; but they came first, and were repulsed.

In the case of a fortress, the garrison could not do more than repulse the army that invaded it; that is, the enemy left it when they pleased; and were they not to be thanked for preserving the fortress against a superior enemy, although not able to follow them? Then, would you say, Lord Wellington did not gain a victory, because he was not able to harass them in their retreat? He had heard, in the course of debate, what had been done, and what might have been done; but was it necessary that a problem in Euclid which had been proved, should be called in question in that house? Then it had been substantiated that the Battle of Talavera was a victory; and why should they prevent it from operating on their minds as such? They had no advantage from the victory of Corunna, except that the army were able to save themselves. If Lord Wellington had acted imprudently before the battle, it ought not to retract or withdraw as much as the weight of a feather from the victory he had ob-

tained. It had been argued, that, although he might be an able general in battle, yet he was not capable of conducting a campaign, for he had not secured a retreat. Such arguments proved themselves to be altogether fallacious; for he had shewn that he had a retreat, and that too by retreating in safety, after shewing that he could do something.

The Right Honourable Gentleman then proceeded to state, that although France had generals of great skill, yet had they not run great risks, and secured a battle that the breaking of a thread might have prevented them from achieving? But to take a view of the question under the general head, the unproductive consequences were not to be put in comparison with the military glory we had obtained. It might be asked, would an engagement, that only acquired military glory, prove advantageous to the country? He would answer, yes; if military valour was necessary for national strength; and he conceived it of much more service to the nation at large, than the taking of a sugar island, or a ship at sea: ten or fifteen years ago, our army was considered as nought; it was thought, on the continent, that we might do something at sea; that we were a kind of sea-animal. Our achievements in Egypt first entitled us to the name of a military power; the Battle of Maida confirmed it; and he would not give the battles of Vimeira, Corunna, and Talavera, for a whole Archipelago of sugar islands. The whole feelings and powers of the country had changed in their military capacity. They began to feel they wanted something

more than a navy to support them. There never was an action in this world, but some persons might sit down and investigate it, and find some fault; but they were not to give credit to the criticisers.

He was sorry that such a letter as had been sent by Lord Wellington to the Government had ever been written. As to the Spaniards, he believed it set forth nothing but what was true; but it went to proclaim glory which did not belong to him. It was like a sea engagement. And as it could not be contended that the hull of a vessel had nothing to do with the guns which gained the victory; nor like a spear that inflicted a wound, could it be said that the staff was not of service; so with the Spanish army; they did all that was required of them, they kept their position. The victory in itself must have been of use to the Spanish cause, for it shewed them that a British army was invincible, and the victory well deserved the honour of the reward moved to be bestowed on it by that house.

Mr. Lyttleton, General Montagu Mathew, and Mr. Canning, concurred in the vote of thanks. Mr. Ponsonby and Lord Folkstone spoke in favour of the Amendment. The original resolution, however, was carried without a division, after which thanks were voted to Lieutenant-General Sir John Sherbrooke, and the officers and men serving in the Battle of Talavera, for their gallant and exemplary conduct.

CRIMINAL LAW.

February 9, 1810.

SIR Samuel Romilly brought under the consideration of the House some parts of the Criminal Law of the country, and after adverting to the frequency of capital punishments, and the indiscriminate application of them to offences exhibiting very different degrees of turpitude, he stated his intention of moving at different times for the repeal of certain Acts of Parliament under which, for slight offences, persons were liable, on conviction, to the penalty of death. In pursuance of this intention, he proceeded to move, "*That leave be given to bring in a Bill to repeal so much of the* "*acts of the* 10*th and* 11*th of William III. as takes away the* "*benefit of clergy from persons privately stealing in any shop,* "*warehouse, coach-house or stable, any goods, wares, or mer-*"*chandizes of the value of five shillings, and for more effectually* "*preventing the crimes of stealing privately in shops, warehouses,* "*coach-houses or stables.*"

MR. WINDHAM was somewhat surprised to hear, and particularly from his Honourable and Learned Friend, who had just sat down, such animadversions as he had made upon a writer, whose works had done more for the moral improvement of mankind than perhaps the writings of any other man that had ever existed. The doctrines laid down and established by

that wise and able writer might be considered as the principia of moral philosophy. They rested upon a basis which was not to be shaken by fanciful theories or crude speculations. The system of morality contained in Dr. Paley's works was founded on the nature and moral fitness of mankind, and until man should become a different being from what he is at present, that system would continue to be the wisest and the justest for the guidance and government of mankind. The character and authority of that great and good man stood so justly and eminently high in universal estimation, that he should have thought it unnecessary to say any thing in vindication of his writings. But when they were assailed from such a quarter and by such a man as his Honourable and Learned Friend, he would not suffer the attack to pass silently off, or without entering his protest against any attempt to decry them. Having said thus much, not in defence of Dr. Paley, for that was quite unnecessary, but in order to acquit himself of any implied acquiescence in the attack made upon his principles, he should next proceed to consider the merits of his Honourable and Learned Friend's motion. So far as he collected his object from his speech, it appeared to him that his Learned Friend wished to take away all discretion in the infliction of punishments. To this principle he could not assent, for he was persuaded that no good and much mischief would result from the entire exclusion of discretion from the laws. But he would readily admit that the discretion, if left in existence, ought to be on the side of remission and not of aggravation. If his Honoura-

ble and Learned Friend's principle were to be adopted, and all discretion taken away, there would then be an end to that most amiable and endearing attribute of Majesty, the power of extending mercy. He would grant, however, that the discretion, which, with Dr. Paley, he thought ought to exist somewhere, should be regulated by certain known and fixed rules, and also, that so far as words were capable of doing it, the intention of the legislature on this head should be accurately defined. He feared it was impossible to attain the end which his Honourable and Learned Friend had in view, unless indeed we could reach the perfection of law, by which every offence, which ought to be punished, would be punished, and no act deserving it should escape punishment. As this perfection of law was unattainable, he could not concur with his Honourable and Learned Friend in taking away that discretion in the administration of the laws, which was actually necessary to correct their inevitable imperfection. But if he could not assent to that principle of excluding all discretion, he had equally strong objections to the manner in which his Honourable and Learned Friend proposed to transfer whatever portion of discretion might be suffered to remain from the judges to juries. (No, no, said Sir Samuel Romilly.) He had certainly understood his Honourable and Learned Friend to have so stated his principle. (No, no, repeated Sir Samuel Romilly.) Well he should not persist in pressing his interpretations of his Honourable and Learned Friend's sentiments against so positive a denial, but would contend that as a dis-

cretion must be left somewhere, it would be much better that it should rest with the judges than with juries. Whatever might be the limits applied to discretion, there must still be a gradation not only of offences, but of guilt in different perpetrators of the same legal offence, and there must necessarily exist in some living tribunal a power to proportion the punishment to the degree of moral guilt. The Right Honourable Gentleman then reverted to the vindication of the doctrines of Dr. Paley, and after stating them to be impregnable to assault, and unaffected by the arguments of his Honourable and Learned Friend, he concluded by saying, that the best defence he could make for Dr. Paley would be to leave his writings to vindicate themselves, and expressing a hope that gentlemen would consider them attentively before they should decide upon the measures, which his Honourable and Learned Friend proposed for their adoption.

The Solicitor-General (Sir Thomas Plumer) and the Chancellor of the Exchequer (Mr. Perceval) contended against the principles and arguments of Sir Samuel Romilly;—Mr. Herbert, Mr. William Smith and Lord George Grenville spoke in favour of them. The question was then put, and leave given to bring in the Bill.

ENGLISH ROMAN CATHOLIC PETITION.

February 23, 1810.

MR. WINDHAM, previous to his presenting a Petition from the Roman Catholics of England, addressed the Chair in the following speech:

SIR,

I HAVE a petition to present, into the merits of which it is not now my intention to go: it respects a body of people, who labour under oppressions of peculiar severity: I mean the Roman Catholics of England.

I admit the right of states to impose religious restrictions upon the people, but that right should be only exercised, when called for by an imperious and overruling necessity. It is obvious that no such necessity exists for the restrictions upon the Roman Catholics of England, as they ask for nothing but that which both church and state must deem it necessary to grant, and which justice must confirm. Who can pretend to have any fear of the Roman Catholics, or to dread a dis-

closure of their power, by which their virtues must also be revealed?

I will assert, then, that if their power prove considerable, their inclinations are in a proportionate degree favourable to the interests of the country; if their character be unknown, if they be obscure — it is because they are deemed unworthy of our consideration, and are branded with our neglect. When I speak of their obscurity, I do not mean, that they are destitute of hereditary virtues and hereditary dignity — that they are not a part of that class which ought to be denominated *Ultimi Romanorum*. — I cannot contemplate a more noble and affecting spectacle, than an ancient Roman Catholic Gentleman in the midst of his people, exercising the virtues of beneficence, humanity, and hospitality. — If they are obscure, it is because they are proscribed as aliens to the state; because they are shut out from this assembly, where many of those, who are far less worthy, are allowed to sit. Have they ever tried those vile arts which are exercised so successfully by those many to creep into pension and place? Have they ever attempted to obtain their rights either by clamour or by servility? On the contrary, their conduct has proved that no other body is more justly entitled to respect and admiration.

I wish the petition to lie upon the table, that the contents may sink deep into the minds of this house, and I hope that the consideration will bring a final success to the cause of virtue and of truth. It is

impossible that we can for ever bear the sight of our own injustice. Rectitude must ultimately prevail, and I presume that the object of this petition will be granted without a struggle.

The petition thus presented, after describing the various penalties and disabilities under which the Roman Catholics of England laboured, and asserting the loyalty and attachment of that body to their King and country, prayed, "for a total repeal of every "test, oath, declaration, or provision which had the effect of "subjecting them to any penalty or disability whatsoever on account "of their religious principles." This petition was signed by eight Noblemen, six Catholic Prelates, thirteen Baronets, and upwards of eight thousand Gentlemen and others, including near three hundred Clergymen.

Mr. Windham then presented another petition, signed by five Catholic Bishops, six Noblemen, and near two hundred of the principal Catholic Gentlemen and Clergy, stating their persuasion, that adequate provision for the maintenance of the civil and religious establishments of this kingdom might be made, consistently with the strictest adherence on the part of the petitioners to the tenets and discipline of their religion, and that "any arrangement "founded on this basis of mutual satisfaction and security, and "extending to them the full enjoyment of the civil constitution of "their country, would meet with their grateful concurrence."

The petitions were severally ordered to lie on the table. On the preceding day two similar petitions had been presented to the House of Lords by Earl Grey.

N. B. For the report of the above speech, the Editor is indebted to CHARLES BUTLER, Esq. of Lincoln's Inn. It is copied from a "Historical Account

of the Laws against the Roman Catholics of England." Appendix, page 44. The report was corrected by Mr. Windham in the presence of EDWARD JERNINGHAM, Esq. who acted as the Secretary of the English Roman Catholic Committee.

ARMY ESTIMATES.

February 26, 1810.

THE House having resolved itself into a Committee of Supply, to which the Army Estimates were referred, the Secretary at War (Lord Palmerston), after noticing and explaining the several heads of expenditure contained in the estimates, proceeded to move the first resolution. Mr. Huskisson having expressed the disappointment he felt, on finding that a more considerable diminution had not been made in our military expenditure;

MR. WINDHAM said he was little disposed to concur in all the reasoning of the Honourable Gentleman who spoke last. He agreed, however, in many of his suggestions for economising the expenditure in this most important and extensive department of the state. But the great objection he had to some gentlemen's ideas of Reform, was, that they were too narrow and confined to give to the country any substantial benefit. Certainly no man more than himself agreed in the necessity there existed of husbanding our resources, in order that the means of the country might suffice for the ends to be gained. This was an opinion he had ever unalterably entertained, and he would be the

first to adopt any system of effectual economy, caring little by whom it should be brought forward. But he never would agree that the expences of an individual family, afforded any parallel for the expenditure of a country. In the former case, the master of a family might curtail the luxurious extravagancies of his mode of living, and confine his expences at any time within his means without injuring the vital comforts of his family. But it almost invariably happened in the case of a state, that it would be utterly impossible to curtail its expenditure in a period of emergency without endangering its very existence. There were nevertheless several smaller items, adverted to by the Honourable Gentleman. The estimates before the committee certainly afforded much room for deduction; and he perfectly concurred in the improvements recommended by the Honourable Gentleman who, by-the-bye, he must say, came a day too late to the fair.

The most prominent of these objectionable estimates, he agreed with the Honourable Gentleman, was that of the Manx fencibles. The Isle of Man, however barren in other productions, was very fertile in jobs—indeed it seemed to be one whole job. Where, he would ask, was the necessity for such a corps? The island was already sufficiently protected by our navy, and by its own inaccessible coasts, upon which it might with confidence rely against the attempts of an invading army; if, indeed, the French could discover any thing in the island worth the risk or trouble of an invasion.

Upon the subject of the waggon train, he had no objection to the Honourable Gentleman's observations, because one of the first achievements proposed by himself when he had the honour of holding the situation of the Noble Lord, was an attack upon the waggon train; and if he did not succeed in destroying it, he certainly flattered himself that he should overcome it in another onset, if the Honourable Gentleman had only given him and his colleagues time to bring up their forces.

There was another head of expenditure also to which he was surprised the Honourable Gentleman did not object; he alluded to the local militia. He was ready to admit there were amongst that body good men, and meritorious officers, in other senses as well as in the city-sense of the word; but still, seeing, as he did, no real utility in the establishment itself, he could see no justification for the expence.

The staff and cavalry ought, in his opinion, also to be reduced very considerably. With respect to the latter, he was fortified by the authority of the late illustrious Generals Lord Cornwallis and Sir R. Abercrombie, in the opinion that great reduction might be made in the cavalry, without any injury to the service.

Upon the more minute points he did not purpose troubling the committee at present. He agreed with the Honourable Gentleman however, as to the necessity of economising in every practicable point, and of

husbanding our means of maintaining a long and protracted warfare; as no man, he believed, in the event even of peace, would undertake to be bound for the good behaviour of Buonaparté, it was fair to infer, that a long war we certainly should have.

With respect to the navy, he must make an observation by the way. He believed that, if ever there was a time when that part of the force of the country could bear a temporary reduction, this was that time. It was difficult for him to conceive the occasion of keeping up so large a naval force, at a time when the naval supremacy of the country was greater than at any former period. As to the circumstances of its being what is called "a favourite service," the idea was quite childish. It would be a base dereliction of the duty of ministers, to keep up a system, as a hobby-horse, at an extravagant expence to the country, at a time when the money might be so much better expended.

He could not but approve of the calculations of the Noble Lord, but he rather feared that they were made upon supposition. He did not wish to follow him into his various statements; but where he thought there was a most glaring error, he must observe upon it. When the Noble Lord talked of the whole expence of the local militia amounting to no more than 400,000l. he must take the liberty of thinking, that his estimates on this head was not perfectly correct. For his own part, he had no hesitation in asserting that, when the committee took into their consideration

all the expences concomitant upon that establishment, he did not mean the expences upon parishes only, but the continually increasing bounties, which were taken out of the pockets of the people, the total expence would amount nearer to two millions than one. He was aware it had been said, that it was necessary to force men into the militia, in order thereby to induce them to volunteer their services into the line; but he denied they were forced into the militia, or that the measure could have any other effect upon the military establishment of the country, than the bad one of an enormous and unnecessary expence. If the committee were in earnest in its professions of economy, let it begin by wholly doing away the local militia, and establishing the army on a proper foundation. It was impossible to get the army formed upon any rational footing, unless something of this kind was done. He was anxious to see such a system, as would prevent the recurrence of such numerous expeditions, as the country had witnessed within the last year or two. He did not mean to condemn all that was done under the head of expeditions; but he certainly condemned the unwise, improvident, and fruitless expence which had lately been incurred for those purposes.

The Right Honourable Gentleman concluded by observing, that these were the heads of expenditure upon which he could not refrain from making some remarks, and he expressed a fervent hope, that the force of the country, one day or other, would be

more economically raised, and more judiciously applied, than could be expected under the present administration.

After a debate of some length, the question was put and agreed to, as were all the other resolutions.

SCHELDT EXPEDITION.

March 30, 1810.

AFTER a long investigation, and the examination of many witnesses at the Bar of the House, on the subject of the Expedition to the Scheldt, Lord Porchester, on the 26th March, moved the following Resolutions:

" 1. *That on the 28th of July last, and subsequent days, an* " *armament, consisting of* 39,000 *land forces,* 37 *sail of the line,* " *two ships of* 50, *three of* 44 *guns,* 24 *frigates,* 31 *sloops, five* " *bomb vessels,* 23 *gun-brigs, sailed on the late expedition to the* " *Scheldt, having for its object the capture or destruction of the* " *enemy's ships, either building at Antwerp or Flushing, or* " *afloat on the Scheldt; the destruction of the arsenals and dock-* " *yards at Antwerp, Torneux, and Flushing; the reduction of* " *the Island of Walcheren; and the rendering, if possible, the* " *Scheldt no longer navigable for Ships of war.*

" 2. *That Flushing surrendered on the* 15*th of August,* " *whereby the reduction of the Island of Walcheren was com-* " *pleted: and that on the* 27*th of August, all attempts on the* " *fleet and arsenals of the enemy at Antwerp were, by the* " *unanimous opinion of the Lieutenant-Generals, declared to be* " *impracticable, and were abandoned.*

" 3. *That the destruction of the basin, dock-yard, arsenal,* " *magazines, and naval store-houses of the town of Flushing, and* " *of such part of the sea-defences as it was found proper to* " *destroy, having been effected on the* 11*th of December, the*

" *Island of Walcheren was on the 23d of December evacuated*
" *by His Majesty's forces, and the expedition ended.*

" 4. *That it does not appear to this House, that the failure of*
" *this expedition is imputable to the conduct of the army or the*
" *navy in the execution of their instructions, relative to the*
" *military and naval operations in the Scheldt.*

" 5. *That on the 19th of August a malignant disorder shewed*
" *itself among His Majesty's troops; and that, on the 8th of*
" *September, the number of sick amounted to upwards of* 10,948
" *men.*

" 6. *That it appears by the report of the physicians appointed*
" *to investigate the nature and causes of the malady to which*
" *His Majesty's troops were thus exposed, that the disease is one*
" *which prevails periodically in the Islands of Zealand, and is*
" *of peculiar malignity there, and which constantly follows a*
" *law of season, appearing towards the end of summer, becoming*
" *more severe in the autumnal months, declining in October, and*
" *nearly ceasing in November. That perfect recoveries are rare,*
" *convalescence never secure, and that the recurrence of fever*
" *quickly lays the foundation of complaints which render a large*
" *proportion of the sufferers inefficient for future military pur-*
" *poses.*

" 7. *That of the army which embarked for service in the*
" *Scheldt,* 60 *officers and* 3,900 *men, exclusive of those killed*
" *by the enemy, had died before the 1st of February last, and on*
" *that day* 217 *officers and* 11,269 *men were reported sick.*

" 8. *That the expedition to the Scheldt was undertaken under*
" *circumstances which afforded no rational hope of adequate suc-*
" *cess, and at the precise season of the year when the malignant*
" *disease which has proved so fatal to His Majesty's brave troops*
" *was known to be most prevalent; and that the advisers of this*
" *ill-judged enterprize are, in the opinion of this House, deeply*
" *responsible for the heavy calamities with which its failure has*
" *been attended.*"

There was also a second set of Resolutions, as follows, relating to the retention of the Island of Walcheren: —

" 1. *That Lieutenant-General Sir Eyre Coote having, on the* " *9th of September, been left in the command of Walcheren,* " *with an army of about* 15,000 *men, did, on that day, make an* " *official report on the state of the island, the extent of force* " *required effectually to guard it, the nature and condition of its* " *defences, and the number of men then sick and unfit for duty;* " *representing that after such his exposition, His Majesty's* " *ministers would be the best judges of the propriety or possibility* " *of keeping the island; and adding, that the advantages must* " *be great indeed which could compensate the loss of lives and* " *treasure which the retention must necessarily occasion.*

" 2. *That on the 23d of September, Sir Eyre Coote stated to* " *His Majesty's ministers, that the alarming progress of disease* " *was such, that if it should continue in the same proportion for* " *three weeks longer (as he added there was every probability that* " *it would), our possession of the island must become very pre-* " *carious.*

" 3. *That on the 6th of October Sir Eyre Coote, after stating* " *that the number of sick was increasing, and that the effective* " *force was thereby rendered so trivial, as to make the defence* " *of the island, if it should be attacked, extremely precarious, did* " *express his anxiety to be informed of the intentions of His Ma-* " *jesty's Government as to the future state of Walcheren.*

" 4. *That notwithstanding these, and many other pressing* " *representations, on the alarming condition of the troops, and* " *the danger to which they were exposed, His Majesty's* " *ministers did neglect to come to any decision until the 4th of* " *November, and that the final evacuation of Walcheren did not* " *take place until the 23d of December.*

" 5. *That on the 10th of September, the number of sick in* " *the Island of Walcheren was, exclusive of officers,* 6,938; *and*

" *that the total number of sick embarked for England, between* " *the 15th of September and the 16th of November, was* " 11,199, *making in that period an increase of sick of* 4,268.

" 7. *That although the great object of the expedition had been* " *abandoned as impracticable, a large proportion of the British* " *army was (without any urgent or determined purpose in view,* " *or any prospect of national advantage to justify such a hazard,* " *or to compensate such a sacrifice) left by His Majesty's ministers* " *to the imminent danger of attack from the enemy, and exposed* " *during a period of more than three months, and under circum-* " *stances of aggravated hardships, to the fatal ravages of a* " *disease, which on the 31st of August had been officially an-* " *nounced to be daily increasing to a most alarming degree.*

" 7. *That such the conduct of His Majesty's advisers calls* " *for the severest censure of this House.*"

Lord Castlereagh defended the measure of the expedition at great length, and the House adjourned.

On the 27th March, Mr. Ponsonby supported the Resolutions, and Lieutenant-General Craufurd opposed them. The latter concluded by moving, as an Amendment, two Resolutions, the first of them justifying the measure of the expedition, on account of the great increase in the enemy's naval arsenals, and also as a diversion in favour of Austria; and in the other Resolution, after expressing regret that so many valuable lives had been lost, the retention of Walcheren was declared to be necessary on account of the state of the negociations between Austria and France.

On the 29th March, Mr. Grattan and Mr. Whitbread spoke at length in favour of the Original Resolutions, and Mr. Canning against them.

On the 30th, Sir Thomas Turton, Sir Francis Burdett, and Mr. Bathurst gave their support to Lord Porchester's Resolutions. General Loftus and Mr. Peel spoke in favour of the Amendment.

Mr. WINDHAM addressed the Chair in a speech, of which the following is the substance:—

Sir,

I shall not occupy the time of the house by commenting upon the theories and sentiments of the Honourable Baronet (Sir Francis Burdett), as the judicious arguments of the Honourable Gentleman, who spoke last but one (Mr. Bragge Bathurst), have precluded the necessity of any observations from me upon that subject. I shall therefore proceed as shortly as I can to offer to the house my sentiments upon the disastrous expedition to Walcheren — that monstrous child of presumption and folly — and in order to present to the house a full and clear view of the subject, I shall feel it necessary to take the matter up at an earlier period, and to discuss it upon broader grounds, than the Gentlemen who have preceded me in this debate have thought it expedient to do. In stating this, I beg the house not to be alarmed with the apprehension that I intend to occupy any very material portion of their time. The mode in which I propose to discuss the question, will probably be found to be the most concise that could be adopted; as it frequently happens according to an old proverb, that "the farthest way about is the nearest way home." I shall attempt to shew, not only that this expedition could not possibly succeed, but that even success would not have justified the employment of such a proportion of the national force to the purposes of such an expedition. I am aware, that in supporting the latter proposition,

I shall have the popular voice against me; but it has frequently been my lot to contend against the senseless clamours of the populace, and I have not unfrequently had the satisfaction to find that measures which have been proposed by me in direct opposition to popular opinion, have ultimately by that very opinion been fully sanctioned. Nothing can be more derogatory from the character of a statesman, than a perpetual hankering after popularity. To a desire of this sort, on the part of His Majesty's ministers, do I attribute this most calamitous expedition, and all the disgrace and ruin which have attended it; and I must say, that if the persons intrusted with the direction of the energies of the kingdom, continue to be actuated by this sentiment, it is not difficult to foresee, that the utter destruction of the country must be the inevitable consequence.

To demonstrate the folly and impracticability of the plan (if plan it may be called) of this monstrous expedition, it will not be necessary to go into a very minute detail of the mass of evidence which has been laid upon the table. I shall content myself with selecting a few of the more prominent points. In making this selection, I shall have little difficulty; the whole conduct of the expedition is so pregnant with ignorance and folly, and presents such a choice of blunders, that had it been divided amongst ten administrations, it would have been sufficient to condemn them all. The Noble Lord (Castlereagh), however, in defending the conduct of himself and his colleagues upon this melancholy occasion, has expressed himself with a de-

gree of callous indifference, intermixed with pleasantry, which cannot but seem ill adapted to his situation. For my own part I could not listen without indignation and horror to the arguments, so full of nothingness and delivered with so much flippancy, by which that Noble Lord attempted to defend himself for having wantonly consigned thousands of his countrymen to an inglorious grave. His late Right Honourable Colleague (Mr. Canning) has certainly conducted himself with greater propriety. Some part at least of his usual presumption seems to have forsaken him; and it unquestionably does now become His Majesty's ministers to be humble — their wings have been damped by the fogs of Walcheren — they are like wasps in rainy weather — we may examine them without fear of their stings.

In discussing the conduct of this miserable expedition, this concatenation of blunders, this long lane of mischiefs which has no turn except to destruction, the first thing to be observed is, that, according to all their evidence, the planners of the expedition could have no hope of success, unless all the chances turned out in their favour, unless all their cards turned to be trumps. The wind must blow from a certain point, and it must blow with a certain degree of force; — if the wind changed, the expedition could not arrive at the destined point; — and if the wind blew fresh, it would produce a surf, and prevent the landing. Now considering the proverbial *certainty* of the wind, the expectation that all these things would happen must be admitted to have been extremely rational; but, sup-

posing that His Majesty's ministers could have had sufficient influence to induce the wind to blow exactly as they wished it, still to insure any thing like a prospect of success to the expedition, this mighty armament must in all its subsequent operations have moved with the regularity and precision of a piece of machinery; one operation must be performed in three days, another in four, the artillery must move through the sand without friction, and there must be "no enemy to fight withal." What a pity it is that our sober ministers have not been in the habit of frequenting the gaming-table; had they known how to calculate odds, they would never have sent out this expedition. But, Sir, the truth is, that this gallant army, this last hope of England, was committed to imminent hazards and ultimate destruction, without any thing like a plan for the guidance of its operations. The Noble Lord seems to have thought it quite sufficient to send out an expedition, and leave the rest to chance. My Lord Chatham was sent out to try experiments. I remember a story of a man, who being asked if he could play on the fiddle, said, "he could not tell, but he would try." Such was precisely the situation of my Lord Holland (a loud laugh). I must beg His Lordship's pardon for having substituted his name for that of my Lord Chatham; but His Lordship is always near my heart, and his name has involuntarily slipped from my tongue.

What did the military opinions amount to? Precisely nothing; and how could it be otherwise, seeing that the officers had no *data* whereon to found their opi-

nions? Ministers, indeed, tell us that they had information from their spies, that there were so many men at Antwerp — so many at Lillo — and so many at Bergen-op-Zoom; but it must be recollected that it is the interest of spies to smooth the difficulties that lie in the way of their employers; and, independently of this consideration, how is it possible for spies to form an estimate of the amount of the small detachments which are scattered all over the country? It must also be recollected, that a great part of the population of the country consists of men who have been accustomed to the use of arms; aye, Sir, and who have seen fire too. The very sweepings of such a country would have been sufficient for the defence of Antwerp. But were ministers so very ignorant, as not to know that there are between twenty and thirty fortified towns, within a few days march of Antwerp, and that each of those towns has its garrison? Nay, it is now known, that troops were sent even from Paris to Antwerp, before our devoted army reached the point where its difficulties were to commence. Did ministers think that the troops of the enemy were immovable? The insane calculations of these dreamers remind me of a countryman, who, in directing a traveller across the Downs, told him, that he must travel three or four miles, and when he came to a flock of sheep, he must turn to the right. But how if the sheep had changed their position before he got there? What would Gentlemen say of Buonaparté, if, on receiving intelligence from his spies that there were only seven or eight thousand troops in or

near Portsmouth, he was to send an expedition of forty thousand men to take the place? Would they not say that he was insane?

The Noble Lord, however, says, that it was intended to take Antwerp by a *coup-de-main*. What must the enemy, Sir, think of us, when they hear this stated? With what contempt and ridicule must they not treat us, when they learn that the projector of this mighty expedition is acquainted with the terms of military science, without having the slightest idea of the meaning of those terms? Good God, Sir, talk of a *coup-de-main* with forty thousand men, and thirty-three sail of the line! Gentlemen might as well talk of a *coup-de-main* in the Court of Chancery (loud and continued laughter). I have no wish, Sir, to excite merriment upon this melancholy occasion, but the whole of the conduct of ministers is so pregnant with blunders, so full of ridicule, that it is impossible barely to describe it without producing a laugh.

But the Noble Lord has had the modesty to assert, that the expedition went on very well; that Buonaparté did nothing for the defence of Antwerp; that when our Commanders gave up the enterprise, there were only twenty-six thousand troops in and near Antwerp; and of those troops, the Noble Lord has thought proper to speak in terms of the utmost contempt. What was there in the composition of those troops to induce the Noble Lord to treat them with ridicule? Were they volunteers, or were they local militia? This assertion of the Noble Lord, if it amounts

to any thing, amounts to a censure of the officers entrusted with the command of the expedition. The Noble Lord and his colleagues evidently wish to have it inferred that the commanders of the expedition have been to blame. Why, then, do they not plainly tell us so? They point their fingers at the commanders, but they dare not name them. It is fortunate for the country, however, that the commanders were not mad enough to attempt to proceed to Antwerp; calamitous and disgraceful as the result of the expedition has been, our ruin would, in that event, have been still more complete. If it be asked why Buonaparté did not send more troops to Antwerp, the answer is evident; his troops, though not under the walls of Antwerp, were in situations from whence they could be speedily sent either there or to any other point likely to be attacked by us. The troops then in the garrison were sufficient for present defence; and it, therefore, was not worth his while to send more troops, until he ascertained that our commanders were desperate enough to attempt the siege of the place. He well knew (though our ministers did not), what sort of an enemy our brave army had to contend with, in the pestilential marshes of Walcheren; and much would he rejoice, when he found that ministers had been insane enough to send their armament to the Scheldt. When he first heard that such was the destination of our boasted expedition, with what a smile of satisfaction would he say to his ministers,

——— "there let them lie,
"Till famine and the ague eat them up."

Upon a consideration, Sir, of all the evidence laid upon your table, I feel myself bound solemnly to call upon this house for the condemnation of those ministers who have wantonly compromised the safety and honour of the country, by undertaking an expedition in which success was absolutely impossible. I shall now, Sir, attempt to shew, that even success would not have justified His Majesty's ministers in putting to hazard the last army of the country upon this expedition. The administration, Sir, with whom I had the honour to act, made it their uniform study to husband the resources of the country; regardless of popular clamour, they determined not to expend, in fruitless expeditions, that blood and that treasure, which, at no very distant period, may be required in the defence of all that is dear to us. I am, however, ready to admit, that there may be occasions which call for a departure from the rules of ordinary prudence; the Spanish Revolution was, in my opinion, one of those occasions; and had I been in office when that event occurred, I, for one, would have concurred in the propriety of sending to the Peninsula the largest disposable force which the country could possibly spare. When I first heard that the expedition which was afterwards sent to the Scheldt was in contemplation, I did hope that it was destined to reinforce our gallant army then in Spain. I was at that time in the country, but, before the sailing of the expedition, I came to London, where I heard, from persons upon whose information I could rely, such an account of the state of the public mind, and of the events then

passing in the north of Germany, as to induce me to form an opinion, that to send our disposable force there, would be preferable even to sending it to Spain. Schill, and many other enterprising men, had embarked in a cause, in which their lives were at stake, and had they been supported by a powerful British army, something might have been atchieved to avert the sinking destinies of Europe.

The hopes of the Continent were turned towards His Majesty's ministers; but, alas! how cruelly were those hopes disappointed. Puffed up with the selfish expectation of obtaining a little momentary popularity, by the capture of a few ships, and the destruction of an arsenal, the King's ministers sent this mighty armament (which might possibly have decided the fate of Europe) upon a predatory expedition. How could the expedition to Antwerp produce a diversion in favour of Austria? If ministers had realized the absurd hope of taking Antwerp, what would our army have done next? Must they not instantly have turned their backs upon the enemy, and got on board their ships as fast as their legs could carry them? Would they not otherwise have been exposed to inevitable destruction? Well might Austria complain, and bitterly complain, of the selfishness and meanness of our conduct.

But ministers say, that they were prevented from sending the expedition to the north of Germany by motives of humanity; their humane minds could not brook the idea of exciting an insurrection among the Germans, lest the insurgents should afterwards be

butchered by the French; and this we are told by the very men whose tender mercies were exhibited in the attack upon Copenhagen — that base and infamous expedition, by which the reputation of this country has received a stab, never to be effaced while the records of our history shall exist. But how does it happen, that the tender feelings of our ministers are reserved exclusively for the inhabitants of Germany? Why did not those feelings operate to prevent our own brave soldiers from being consigned to destruction in a charnel-house like Walcheren? Where were those feelings when ministers ordered to be exposed to all the horrors of a bombardment, the inhabitants of Flushing, whom we pretended to have come to deliver from the tyranny of the French? This affectation, this cant of humanity, is truly ridiculous.

The ministers have brought evidence before the house, to prove that if the expedition had been sent upon a service which required protracted operations, they could not have found money to pay the troops — the expedition, therefore, could not be of any use as a diversion in favour of Austria, even if the fate of Austria had not been decided, as it actually was, before the expedition embarked. But ministers, it seems, were determined to send an expedition somewhere; the good folks of Margate and Ramsgate, and the rest of the watering-places, must have something to talk about — the Noble Lord (Castlereagh) must have a trip to the coast to see the raree-shew of an embarkation; and, therefore, must the best troops of the country be sent to absolute destruction.

The Noble Lord, however, says, that we must not pass a censure upon him and his colleagues, inasmuch as the expedition he planned has not been tried; the ultimate objects of the expedition, he says, have not been attempted. Really, Sir, this is so wretched a quibble, that I am inclined to suspect that it has originated with the *nisi prius* part of the administration. — The Walcheren Expedition not tried! — Am I dreaming, Sir? Or, are we really now discussing the merits of a mighty expedition, which sailed to the Scheldt about eight months ago, and which returned about four months afterwards, defeated, disgraced, and almost annihilated? I cry his Lordship mercy, but I really did suppose somehow or other that the Expedition to Walcheren had been tried. Does His Lordship mean to deny that the whole of the expedition, from the beginning to the end, was under the direction of His Majesty's government? And is that government not liable to be called to account for its total failure?

I have now, Sir, only to observe, that if ministers are not arrested in their career of folly, by the censure of this house, the consequences to the country may be dreadful in the extreme — the responsibility of ministers will be an empty sound — the aspersions which have been thrown upon this house, by persons out of doors, will receive confirmation — and the confidence of the people, (I do not mean the people, in the technical sense of the word, but the sober and thinking part of the nation,) in their representatives, will be lost for ever!

The Chancellor of the Exchequer replied to Mr. Windham, and Mr. R. Dundas also defended the expedition, which was censured by Mr. Tierney and Mr. Brougham; after which the house divided on the original Resolutions of Lord Porchester:

For Ministers - - - -	275
For the Resolutions - - -	227
Majority for Ministers -	48

A second division then took place on the first Resolution of General Craufurd, which was as an amendment to the original Resolutions:

Ayes - - - - -	272
Noes - - - - -	232
Majority for Ministers -	40

A third division took place on the omission of the word "nor," which was moved by Mr. Canning:

Ayes - - - - -	275
Noes - - - - -	224
Majority for Ministers -	51

The fourth division was on the last Resolution of General Craufurd, declaratory of the approbation of the house in the retention of Walcheren, and consequently approving the conduct of Ministers in that respect:

Ayes - - - - -	255
Noes - - - - -	232
Majority for Ministers -	23

PRIVATELY STEALING BILL.

May 1, 1810.

SIR SAMUEL ROMILLY moved the order of the day for receiving the report upon this Bill. (*Vide ante, page* 341.) *Mr. Herbert and Mr. Davis Giddy opposed the Bill. Sir John Newport supported it.*

MR. WINDHAM spoke in substance as follows:

SIR,

I FEEL it my duty to declare, that I consider the measure which has been proposed by my Honourable and Learned Friend, to be part of a system which, if it be suffered to proceed, will have the effect of overturning the whole criminal jurisprudence of the country.

It appears to me, Sir, that the arguments which have been urged, and the objections which have been applied to the opinions of Dr. Paley, will have been urged and applied in vain, unless the system intended to be introduced be one under which the law can be carried into execution inflexibly and invariably. The Honourable Gentlemen who have supported the new doctrines have assumed that a system of criminal law

'may be established which will exclude discretion in the judge; now a law that is to be executed without 'discretion must be inflexible and invariable. Let us see what would be the effect of such a law. One of the cases which have been relied upon to prove the necessity of such a change in our criminal code, is that of a person who was executed for killing another in a duel. It appears that there was no severity in that decision, because the case was attended with circumstances of a peculiar nature, which separated it from the mass of offences of that description. Now, if the law had been inflexible, either the case alluded to could not have been so decided, because the generality of such offences were not punishable by death, or else that punishment must have been extended to all other cases of persons killing others in duels, though attended with circumstances completely different. If discretion be set aside, then, according to the doctrines of the Honourable Gentlemen, all other cases of duels, however differing in circumstances from that which has been referred to, must be generalized with it. Now, Sir, by generalizing the cases, you would certainly simplify the law, but circumstances being unattended to, justice of necessity would be unequally rendered. With respect to discretion in the administration of the laws, it arises out of the nature of things, and however inconvenient it may seem, it must be submitted to, unless a separate law can be made for every individual case that can possibly happen. Men may as well talk of changing, by an act of parliament, what is fluid into solid, or what

is solid into fluid, as of binding down discretion by rules and ordinances.

Another case has been referred to in support of this new system of criminal jurisprudence. It has been said, that in the instance of a man who was tried for stealing forty shillings in a dwelling-house, conviction and execution followed, because it happened that the man was also suspected of having committed a murder. Here the punishment of death was inflicted, it is said, not for the crime for which the offender was tried, but for one for which he was not tried. In other cases they tell us, the punishment is usually remitted, although the law has made the offence capital; the uncertainty of the decision is therefore complained of, and the punishment in the case alluded to is condemned, because it was enforced on account of circumstances. In addition to this case, another has been cited, where sentence of death was passed not so much on account of the offence for which the prisoner was tried, as because it turned out on the trial that he had been guilty of suborning witnesses. Now to infer that in either of the cases, the offender suffered for the circumstances, and not for the crime, would be as unjust as to say that because, according to the old proverb, "the last feather breaks the horse's back," therefore a horse's back is broken by a feather. The last feather will add indeed something to the weight, as circumstances will add something to the crime; and though the circumstances are not the crime, they must ever be allowed to enter into our consideration of it. The offender suffers for the

crime, aggravated by the circumstances. To maintain that in such cases the circumstances, and not the crime, occasion the punishment, is just as absurd as it would be to say, that a man was hanged for running away with a halter, forgetting to add that there happened to be a horse at the end of it. Cases of this kind are not likely to happen very often, but when they do happen, they may not be without their use. If capital punishment be adopted in some instances, where circumstances seem to require it, the terror which will be occasioned by that punishment may operate in preventing others from committing the offence, while the offender himself, on account of the circumstances by which his crime has been aggravated, may not have been treated with undeserved severity. To strike out of any case the particular circumstances which happened to attend it, is the very height of absurdity. What judgment can we form on any matter that may be proposed to us, without being acquainted with the circumstances? For instance, if you ask me in this house whether I am for peace or for war, I must answer that it is a question that depends on circumstances. I cannot say whether I am for peace or for war abstractedly, but if you ask my opinion respecting any particular peace or war, then I shall be able to give you a distinct answer. The difference of this reply from the former merely results from my being put in possession of the circumstances.

Sir, I am really surprised that my Honourable and Learned Friend, with all his acuteness, should have

so strangely misunderstood Dr. Paley as to impute to that eminent writer an opinion which I am quite sure he never entertained, namely, that the laws should not be known. There is a wide difference between men's not knowing the law, and not knowing that, in any particular instance, it will be carried into execution. The execution may be partial, but the terror arising from the possibility of its being executed, will be general; and it is the terror which prevents the frequent commission of the crime. Laws were originally made, not so much for the punishment, as for the prevention of crime, and intimidation is the surest and best method of producing that effect. My Honourable and Learned Friend has observed that where thirty men are convicted of the same crime, and only three of them are executed, the law is useless as to the remaining twenty-seven. What, is the terror of the law nothing? Has not the execution of the three the effect of intimidating others, and of preventing the future commission of the crime?

The whole of the question comes to this point; whether we shall adhere to the system we now have, under which the terror is general, but the punishment, from the exercise of that discretion which the law allows, is dependent on circumstances; or whether we shall change that system for one under which the law must be administered invariably and inflexibly. Now before any such change can take place, all offences falling under the law must be defined, not generally, nor specifically, but individually; and to do this with respect to cases in which differences of

circumstances produce almost an endless variety, is, I must contend, clearly and utterly impossible; no two cases being in fact, in all their circumstances, precisely alike. A circle may be defined and described, so may an ellipsis, or an oblong. But under a general description of these figures, how difficult would it be to distinguish others which approach near to some of those classes, but do not in fact belong to any? If you bring them before my eye, I may distinguish them, but I cannot easily define or describe them. Again, I may observe differences in the persons of individuals, when they are before me, arising from a variety of circumstances, such as their high or low stature, their being thin or being fat; but to describe and define every degree of such differences would be impossible. So it is with offences against the law. How would my Honourable and Learned Friend describe homicide? To be sure a distinction may very easily be drawn between justifiable homicide and wilful murder. Every body can perceive the difference between the act of a man who accidentally, or in his own defence, takes away the life of another, and that of a man who kills a fellow-creature from motives of revenge, or in order to take his purse. But would my Honourable Friend distinguish many cases of manslaughter which may be adduced, so as to allot to each the proper degree of punishment? How would some of these cases be distinguished from murder? How would others be separated from acts of justifiable homicide? Suppose I were asked, in the case of a quarrel in a public house, where one

man has knocked out another's brains with a pewter pot, whether the act committed be murder or manslaughter. How can I answer this question, without enquiring further into the circumstances? I remember that some years ago a man, who had received some provocation from another man in a shop, crossed the street and returned with a knife in his hand, declaring that he would stab any man who should again provoke him; — the provocation was repeated, and he stabbed the offender. Of what class was this case? I remember what my own opinion of it was, but if I recollect rightly, the jury acquitted the prisoner. These and all other such cases must be determined by the circumstances which attend them. Though one case may differ from another only in the slightest degree, though

> ——— "the scales do turn
> "But in the estimation of a hair,"

that difference, slight as it is, will be sufficient to baffle all attempts at definition, and to prove the necessity of leaving a discretionary power somewhere. Laws which aim at definition, appear to me to be like some of those machines which are used in this town for making pens. These machines will make many pens, but they do not make good ones; to do that, you must shape each of your pens separately with a penknife.

Sir, a great deal has been said about cruelty, and I cannot forget that my Honourable Friend is one of those who intend to support a law which is again to

be brought forward, for the purpose of punishing cruelty towards animals. This is a kind of anomaly in his conduct, for in that law there is not meant to be any thing like definition. It is a subject indeed upon which definition cannot be admitted; the cases which may arise upon it will necessarily be left to a decision of the most arbitrary kind. My Honourable Friend, therefore, between his doctrine in the present instance and that which he means to support in relation to the Cruelty Bill, is wholly at variance with himself.

I must take an opportunity of saying that it is perfectly wrong to suppose that Dr. Paley undertook to defend all the criminal laws of this country; nor have I any such task in contemplation. But though, among so many laws, some undoubtedly are faulty, I cannot but look with a jealous eye upon all schemes of innovation; and in times like these that jealousy must be not a little increased. Sir, I do not mean any disrespect to the name of my Honourable Friend, or of any other person, for indeed I know not the names of those to whom I am about to allude, but I have heard that there is a society established for the purpose of abolishing capital punishments. In what I may observe on this subject, I shall perhaps be thought to be still infected with the principles I caught from my observation of the French Revolution. Indeed I will acknowledge that I am still influenced by those principles, for that Revolution still exists—it is above us and beneath us—it is without us and within us—it is every where round about us. I

cannot but recollect that, in the outset of that Revolution, the French entertained these plans; — there was a society in that country for the purpose of doing away capital punishments, and how did they begin? Why, they began with putting their King to death! Perhaps, however, they might intend that act as the *finale* of their former code of criminal jurisprudence, but if they did, there are unfortunately too many dreadful instances to prove that such an intention was not fulfilled. With the experience of such facts before our eyes, I must say that I entertain considerable suspicion of all societies in this country that may attempt innovations (or improvements as they will call them) on the laws of the land.

With respect to the number of our penal laws, a topick that has been so much insisted upon, I must say that that circumstance alone does not prove their severity. If the laws are numerous, the punishments in fact, being seldom enforced, are but few. — When some one in Scotland tried to convince Dr. Johnson that eggs were cheap, by telling him there were so many to a penny, the Doctor replied, "that fact is not conclusive of their being cheap, for though eggs may be many, pence may be few."

Sir, I must offer my apologies to the house for having taken up so much of its time; and I shall conclude by stating, that I feel much satisfaction in having conceived an opinion which is conformable to that entertained by those who are, perhaps, of all others, the most competent to decide on this measure, I mean the judges, who, I believe, unanimously disapprove

of the alterations which my Honourable Friend wishes to introduce into that code of criminal law by which this country has so long been governed.

The Master of the Rolls, Mr. Morris, Mr. Wilberforce, and Mr. Canning, approved of the Bill; the Attorney and Solicitor General, the Chancellor of the Exchequer, and Mr. Frankland, opposed it. On a division, the numbers appeared to be,

For Sir Samuel Romilly's motion - -	31
Against it - - - - -	33
Majority against the Bill -	2

PRIVILEGES OF PARLIAMENT.

May 11, 1810.

MR. DAVIS GIDDY brought up the report of the Committee appointed to consider of the course expedient for the House to pursue, upon the subject of the actions brought against the Speaker and the Serjeant at Arms, by Sir Francis Burdett. In this report, after asserting, upon a reference to precedents, the right of the House to commit persons offending against its privileges, the Committee recommended that the Speaker and Serjeant should plead to the actions, in order to shew to the court in which those actions were brought, the authority under which they had acted.

Mr. Giddy moved that this report should lie on the table. Lord Milton maintained that it was subversive of the dignity of the House to submit its privileges to be tried in an inferior court. Lord Folkstone was adverse to the interference of the House, and wished the matter to proceed according to the due course of law. Mr. C. W. Wynne, on the other hand, protested against the interference of the court with the privileges of the House.

The motion, "That the report do lie on the table," being agreed to nem. con., *Mr. Giddy, as Chairman of the Committee, moved "That the Speaker and Serjeant be permitted to appear and plead "to the said actions." Mr. Ponsonby then entered at great length into a defence of the privileges of the House, in which he was supported by Mr. Adam. Mr. Perceval approved of the course suggested by the Committee. Sir Samuel Romilly admitted*

that the privilege in question was recognized as a part of the law of the land, but doubted the existence of certain legal rights which had been construed to flow from it; and entered into arguments to prove that the privileges of the House in general were liable to be discussed in a court of justice. He also cited cases to shew that persons who had been committed for contempt by one court of law, had been afterwards liberated by the authority of another court.

MR. WINDHAM addressed the Chair nearly to the following effect:

SIR,

IT is not my intention to trouble the house with many words upon a subject which has undergone an elaborate and able discussion. I cannot, however, content myself with passing over in silence the doctrines which have just been advanced by my Honourable and Learned Friend (Sir Samuel Romilly); who, though he set out with professing his desire to uphold the privileges of the house, has, in the latter part of his speech, used arguments which must tend to the total subversion of them. Nor is it to the privileges of this house alone that these doctrines are hostile; they would lead to the destruction of the privileges of all courts and jurisdictions whatever. I am aware that the Honourable Baronet now in confinement (Sir Francis Burdett) has set forth such doctrines as these, and they are in effect well suited to those to whom he has addressed himself; but I own I was not prepared to expect that that Honourable Baronet's notions would be adopted by my Honourable and Learned Friend, with whom I am not only in the habit

of agreeing, but must at all times and upon all occasions feel an earnest desire to agree. The doctrine he has maintained this night would go to the establishment of an infinite series of appeals; — a principle in legislation of which it is needless for me to shew the absurdity. In opposition to such a system, it might be sufficient to refer to the authority of Dr. Paley, whose name (which can never be mentioned without respect) has of late become familiar to the house; though I have been sorry to find that my Honourable and Learned Friend is not disposed to place such confidence in the opinions of that able and judicious writer as I think them on every account fully entitled to *.

After the very learned, eloquent, and convincing speech of my Right Honourable Friend (Mr. Ponsonby) it would ill-become me to attempt to lay down the law on the subject of the privilege for which we are contending. It appears to me, however, that there is nothing absurd in the existence somewhere of a power that is not subject to controul; — a power which, in fact, is found in all nations and under all Governments. If such a power may exist somewhere, then I would ask, where, in the British constitution, can it so safely and properly reside as in the House of Commons? It is not fair, from the abuse of such a power, in any one instance, to argue for the expediency of a total extinction of it. But as for the mere discretionary power of commitment for contempt of court, that is a privilege of the commonest sort, and

* See the preceding speech on the Privately Stealing Bill.

is enjoyed by tribunals of the lowest description. It is given to magistrates of every class throughout the country. Until this evening, I have always thought, and my Honourable and Learned Friend (Sir Samuel Romilly) will excuse me if I say, that I still think that the superior courts of justice possess extensive powers of this kind, over which other courts cannot legally exercise any controul. Without such an inherent, indisputable power of self-defence, a court would present only the mockery of authority, such as must expose it to contempt and ridicule.

Sir, with respect to the privileges of this house, I cannot but think that they must cease for ever, if they are to be subject to discussion in a court of law. Yet though I cannot allow that the privileges themselves ought to be scanned and examined by the judges in Westminster-Hall, yet I must certainly admit that in the case of our Serjeant at Arms it may be otherwise. He certainly may, in the execution of a warrant which is legal, do that which is illegal. He may be guilty of theft, for instance, and for that or any such offence will be answerable to the laws. But as he is the officer of this house, acting in obedience to our orders, it is our duty to watch with a jealous eye over any investigation of his conduct; and to take care that, in such an investigation, no question is raised concerning the authority under which he has been acting. Upon this view of the subject I am satisfied that the plea should be entered in the action against the Serjeant, as the committee has proposed. I confess I have had my doubts with respect to the other action, but

those doubts have been in a great measure removed by the arguments of my Right Honourable Friend (Mr. Ponsonby) and the Right Honourable Gentleman on the opposite side (Mr. Perceval). I now think that the Speaker may plead to the action, without compromising the dignity of the house; regarding that proceeding, however, merely as a mode of putting the judges in possession of our privileges, and not as at all subjecting those privileges to the controul or question of any tribunal whatever. On these grounds, therefore, I shall agree to the motion.

After some observations from the Attorney-General, Mr. William Smith and Lord Milton, the question was put and unanimously agreed to.

N. B. The speech above reported was the last which Mr. Windham made in parliament.

DEFINITIVE TREATY.

[The two following Speeches on the Definitive Treaty with France in 1802 ought, in the order of chronology, to have appeared immediately after that on the Preliminaries of Peace, at the commencement of the Second Volume. The printing of them has been delayed partly with the hope of procuring ample and accurate copies of them.]

May 3, 1802.

MR. WINDHAM rose and spoke nearly as follows:

SIR,

I DO not rise to solicit the house to come now to any final decision upon the merits of the Definitive Treaty of Peace which has been laid on the table, but simply to move a day for taking it into consideration. As one of the persons who have the misfortune to differ from His Majesty's ministers, I do not conceive that there can be any objection to this proposal. His Majesty's ministers think that no discussion is necessary upon the Definitive Treaty, the Preliminaries having met with the approbation of the house; and, consequently, they have declined to introduce any motion respecting it. Whether this be an invariable custom, or one that would be "more honour'd in the breach than the observance," I shall not stay to

inquire. If there be precedents that do not render any such proceeding necessary, they must be founded upon the presumption that, by its approbation of the Preliminary Treaty, the house has sanctioned the Definitive. Now I think that it is quite the contrary in the present case. I think that the question is completely open, and that there may be perfectly good grounds for giving a different judgment upon the Definitive Treaty from that which the Preliminaries have received.

At the same time, however, that ministers have declared that they see no necessity for farther discussion, they have also expressed a wish, that, if any such be to take place, it may be a full and complete, not a partial discussion. If by this they mean that the subject should be taken up upon all its grounds, with all the circumstances of the early disclosure on their part of all the necessary papers and information, and with a full view of the subject in all its points, bearings, and relations, in that wish I heartily concur. If, on the contrary, by deprecating a partial discussion, it be meant that the whole discussion should take place on the same day; if it be meant to croud all the points of this comprehensive business into a single sitting, and without full information to assist the judgment in its inquiry into the merits of each, I cannot agree; because it cannot be done with justice to a question of so great magnitude. In the circumstances under which I now present myself, I am, *mutatis mutandis*, like a counsel in an opening speech, in which I am to touch on a variety of papers and

matters, the complete knowledge of which can only be disclosed in the proofs produced in the progress of the trial: but whether ministers will give all these accounts and papers is what will make all the difference possible in the final discussion.

This is a subject upon which I have already expressed my sentiments; and sorry should I be to have it supposed, that, if we were met to pass a final judgment upon it, I should touch so slightly as I mean now to do upon many points of moment, and express so feebly the deep anxiety and apprehensions which I entertain of the treaty, as of the grave digging for our greatness, and an abyss opening at our feet to swallow us up. The best order in which to consider this subject, will, I think be under the four following heads: I shall first take the circumstances which did exist, but were not known in this country, previous to the Preliminaries. Secondly, those points which took place in the interval between the Preliminaries and the Definitive Treaty. Thirdly, the variation of certain points in the Definitive from their state in the Preliminaries; and, fourthly, those points in the Definitive which do not exist in any shape in the Preliminaries, yet may not be considered as a departure from them.

As to the first class, namely, the circumstances which did exist, but were not known, before the Preliminaries, there are three principal ones. First, the cession of the Isle of Elba; secondly, the limit of French Guiana; and, thirdly, the cession of Louisiana.

The cession of the Elba has been already mentioned; and when the necessary papers shall be laid before the house, it will be the proper time to enter into it fully. I shall now touch on the manner of the cession only, leaving it to the house to judge the value of the acquisition to the French as an excellent station, an important harbour, and an impregnable fortress. The argument by which our assent is sought to be obtained for this advantage given to the French, is the immensity of objects of equal if not greater value, which destroys its single importance; that is, we are told, why continue the war for the sake of the Isle of Elba, when so many points of greater value have been surrendered? Without dwelling then on its value, I shall consider the manner, which is, in my mind, more important than the thing itself. There is in it such tricking, such chicanery, as requires constant explanation; and the more it is examined, the more odious is the light in which it appears. The house will recollect that, by the Treaty of Munich, by which a transfer was made of the Duchy of Tuscany, it was expressly stipulated that Porto Ferrajo should remain as it was before, attached to the Dukedom of Tuscany. Now, what do the French? they have recourse to that sort of calculation by which an algebraist would proceed to exterminate a quantity that he wished to get rid of; they transfer it to another person, they leave it with the Duke of Tuscany; but, as if they were playing a game of chess, they remove the Duke and put a King in his place. They take a King of the house of Spain, and having

placed him in the Duke's stead, they negotiate with the court of Spain, that it shall not remain with Tuscany, but be transferred to France. This was not known at the time when the Preliminaries were signed. It comes out then, that the real state of Porto Ferrajo was artfully concealed; that, instead of being a station in the hands of the Duke of Tuscany, or against the French, it was to be transferred to France, to facilitate her attack upon Naples, or any other ally that we might have in that quarter in a future war. Surely nobody will say that these circumstances, if the thing stood single, are not such as put the case upon a new footing, and leave it a *res integra* open to discussion.

Now, Sir, passing over this, we shall proceed to the next point, which is much the same in manner, but greater in magnitude: I mean the boundary assigned to French Guiana. I shall consider it as the former, not so much with regard to its importance, as to the consequences attending it, which I contend were a gross breach of good faith. When the Preliminaries were signed, we were given to understand by them, that the dominions of Portugal were to be maintained in their integrity. Therefore, when the Treaty of Madrid came out, which violated them, there was a general outcry and alarm. We were told that it would be given up. As for myself, I could not understand that the French would have made this excursion into the Portugese territory, purely for the purpose of giving it up again. It seems, however, they did so, as His Majesty's ministers take credit for making

them give it up and take another. A few leagues of wilderness, in one place or another, are no great object. The question is, the command which it gives them of the Mississippi, and that they have as much by the one as by the other. Either boundary is a breach of faith: they should have gone to the Treaty of Utrecht; for, to impose a new boundary upon us is equally a fraud as if they had retained the former. As to the Treaty of Badajos, which has been referred to on this subject, there is no such paper before the house, and therefore I leave it out of my consideration. What I complain of is the fraudulent exchange. It has been said of a peace that it was only a change of war; the French mode of plain dealing may be perhaps a substitution of one fraud for another.

The next point in this rising climax of frauds is the cession of Louisiana. Into this subject I am not now disposed to enter minutely. By this acquisition the French are established in a space as unbounded as the view it opens, whether north or south. What a present have we made in it to the Americans? We have placed a serpent at their feet by which they will be ultimately devoured. We have put them in that state in which they must become willing slaves under the dominion of France. We all know something of human nature. We know that men detest the instrument less than the cause, and turn their resentment upon those whom they can make to feel it most. They will not of course hesitate between us and the French, and thus we shall eventually forfeit the friendship of America by the aggrandisement of the French

in that quarter. As to the wealth which this establishment opens to them, it has no limits but their will. On the continent of South America, there is no power that can resist them. There are the sources of the wealth of the world: but if Gentlemen do not feel the consequence of their passing into the hands of the French, it would be in vain for me to impress them with an idea of their importance.

I have now got through the three principal points, which, though not known in this country, existed at the time of the Preliminary Treaty. There is not one of them that does not call for the revision of the Preliminaries, and cancel the obligation. Now, Sir, under the next head of things, namely, those which happened in the interval between the Preliminaries and the Definitive Treaty, the catalogue is not numerous; but what it wants in number it makes up in magnitude. It consists of the Italian Republic; and next, though not so great, or bearing so directly upon the present question, the naval and military force sent out from France and now established in the West Indies. The first is the question of a new kingdom (for whether kingdom or presidentship differs but little in the language of the present day) in the heart of Italy. I say, that if such a situation of things had happened without the act or interference of either party, it was competent to a minister to say, here comes a change upon which we did not calculate, therefore it is not quite a new case. I say farther, that the history of Europe furnishes us with precedents which shew that such a change would have been the cause of a war;

but what will be said, when it appears that this was done during the interval of the Preliminaries, and by one of the contracting parties? (Hear! hear!) It is not that this is not felt as a good cause of war; but the fact is, Europe is so altered that no interested power dare attempt to question it. What must Austria think, when the Cisalpine Republic, which she might have originally regarded as a barrier against France, is now a barrier to France for her destruction? We know what Austria feels; but she feels her danger too much to venture upon any steps for redress. The second point bears less upon the present question; but it is of extreme importance, and may hereafter prove a measure of serious inquiry. The way in which I look at it, is the establishment of the French power in the West Indies earlier than it would otherwise have taken place; and which, if it had not taken place so early, would not perhaps have ever been established at all. This is of the more importance when we consider how much expectation has been formed of the chances and events which time might produce in the uncertain and unprecedented state of things which the world has so long presented. We do not know what effect delay might have had, or what advantages it might not have given us. We are therefore in a situation in which we should not otherwise have been; for, whatever may be said of the policy of the measure on our part, nobody will contend, that by it we were not giving, before the conclusion of the Peace, a helping hand to that which, during

the war, we have expended so many millions of money, and sacrificed so many lives to destroy.

The third head is that which relates to those points on which the Definitive is a departure from the Preliminaries. Under this head I shall notice, first, the article respecting prisoners. We all know that there was a large debt due to us by France on this account; and we heard of islands that were to be mortgaged for its payment. The result is, that there is no such mortgage, and that the debt is as bad as can be, while we are not able, I suppose, to compel better terms. It became therefore necessary to exercise our diplomatic skill, to discover some plausible way of getting rid of the demand, in the execution of which, I wish, however, our Plenipotentiaries had devised some mode that would have reflected less ridicule and disgrace upon the country. As an expedient against the payment for the French prisoners, the French are to set off the demands which they have for the maintenance of the prisoners belonging to our allies in their hands; that is, the expence of clothing and supporting the Russian prisoners. We all remember what a parade was made of the attention paid to the Russian prisoners, and that it was represented by the French Government as a compliment paid to the Emperor Paul; so that we are made to pay for that very clothing and maintenance which were the lure to decoy that Sovereign from our alliance.

The next point of the same class, though without much reference to order, is the cession of Malta. By the Preliminaries this island was not to belong to

France or England; but to be restored to the order under the protection of a third power, generally supposed to be Russia. It was originally conceived that Malta was not to be given up; but that would not now be a proper matter for discussion. We shall take it simply upon the condition of the Preliminaries. Instead, however, of providing for Malta in the spirit of the Preliminaries, a covered way has been devised, by which England is completely ousted, and France put into possession. That such at least will be the result I have no doubt. The first consideration that occurs is, how the order is to be supported. We know that the internal revenue of Malta does not exceed 30,000l., a sum not more than equal to the support of the Grand Master, the various charitable institutions, and the supply of grain. These three objects absorb all the revenue of every description which the island affords; so that for guards, garrison, and the defence of the place, there will be no provision at all. Of the revenues that formerly belonged to the order, those in France, Bavaria, and different parts of Germany, have been confiscated, and those which lay in Spain are on the eve of being so, making in the whole, at least, four-fifths of its ancient revenue, and reducing its revenue merely to that produced by the island to the amount of about 30,000l. as I have already stated. Thus situated, the order must soon fall for want of support. I shall not dwell upon the disgraceful mode of modelling it upon the French regular or noble-democratic form. It is not of this I complain, but of putting it under the protection of

powers under the influence of France; for what is the Neapolitan garrison, in fact, but a French garrison? But supposing it not now under the influence of France, how is that influence provided against by the article which removes the hands of the Neapolitan Government? The plan is, that we shall evacuate the island in three months. This stipulation is peremptory. Then comes another clause, enjoining that it shall be delivered up generally; but not attaching to the former clause, and saying to the order. Next comes another clause still more material, which says that the neutrality of the order is proclaimed. What is meant by this neutrality is difficult to understand, and may be variously interpreted. It may be neutrality to say, that ships of war to any number belonging to the neutral nation may come in, or that they shall be all alike excluded. A third way may also be conceived; I mean the admission of an equal number of ships of all nations. Now see the effect of this neutrality in the event of a future war. In such a war, France would have for her allies certainly more maritime powers than England; she would at least have Spain and Holland, while we should probably not have one. Supposing that the number of vessels of each power admissible at Malta to be six, France would have there eighteen ships for our six, and so in the same proportion, whatever should be the number. Had this stipulation been in the Preliminaries, surely it would have been canvassed and set right in the Definitive Treaty.

The next point is the Cape of Good Hope. France has been always mistress of a happy knack of expression; and I do not find that the Revolution has changed her style. She has stipulated, that it shall be delivered over in full sovereignty to Holland. Now there is nothing to bind Holland from making it over to France, and putting a French garrison in it the moment she shall receive it. When, then, we consider how the word Sovereignty was used in the case of Tuscany and the Isle of Elba, we cannot suppose that it was intended to be a mere idle term in the Definitive Treaty. On the contrary, this industrious use of it affords a lively persuasion that the same will be the result with regard to the Cape.

I shall now pass on to things occurring in the Definitive, and which make no part whatever of the Preliminaries. The first is one of a gigantic nature, the total absence of all previous treaties. It is the first instance of the kind. It opens to a world of conjecture. It is argued that we shall gain as much as we shall lose by it; but how this is to happen I am at a loss to comprehend. It may be supposed that the renewal of these treaties would have embroiled us with the continent. But I do not know what those obligations are that would have out-weighed the benefits of the treaties; because these treaties were not made for France, but against her, and for the protection of the other powers. The non-revival of these treaties leave us, however, with respect to other countries, just in the same situation in which we stood before; so that by this diplomatic analysis, France only is relieved.

But as was said at Lisle, Why get rid of the treaties all in a lump? We were not in the situation of a man with his hand limited to a minute. Surely seven months would have afforded time to make a selection of what should remain and what should be cancelled. There are other points of this class that touch us more nearly. There is one particular part of the empire for which we feel a lively interest, an interest that must be increased in proportion to the loss of so many other acquisitions, and to which we must cling as the last wreck of our empire, I mean our East India possessions. The treaties of 1783 and 1787, the two great epochs of our rights in that quarter, are given up. We are left without the advantages, whatever they may be, of these compacts, and our right is placed upon its original foundation. Now, let that right be ever so good, (for I do not dispute its validity,) it is material to consider what rights, or rather claims, the French exercised before 1783.

Our present state is, therefore, that state of litigation in which we were, previous to the treaty of that year. By that treaty we put a guard upon our right; yet such was the force with which the French preferred their claims, that a ship was sunk in the Ganges, and we were on the point of hostilities when the Convention of 1787 took place. We are now in that situation in which an attorney might say to his client, You have a good right of action, go to law; but if I had a security in my hands, confirming my right and removing my adversary's, I should not be well advised were I break off the seal, and throw it in the fire, that I

might afterwards go to trial where the arbitrator is the sword, and the court a field of battle. We are now left to our right of action; and perhaps the first news from India will be the notice for going to trial. The French were never backward in asserting their claims; and that they should be less forward now I have no reason to suppose. There are other rights of minor importance abandoned, rights which taken singly are of great magnitude, but which sink into nothing in the neighbourhood of the towering heights that surround them. As to the importance of the privilege of cutting logwood in the Bay of Honduras, we read of nothing but quarrels between France and Spain about it. We do not pretend to a right of sovereignty in that quarter. We hold the right by convention, and France will, no doubt, re-assert her pretensions. What these pretensions are does not appear; but this state of ignorance and uncertainty shews the necessity for calling for papers, and giving the most mature consideration to the subject. The gum trade is another, which we exercised by convention; and I should not forget the right claimed by the Dutch to trade in the Eastern Seas. We know the jealousy of Holland in that particular; we know the credit our minister took for the settlement of 1784 on that point; but how this right is to be exercised in future, what precautions have been taken for its security, and whether they are to come from above or from below, does not appear.

Among the other points that come next, without contravening the Preliminaries, is the House of

Orange. When we talk of all the territories and acquisitions which we have surrendered, we are told of those wonder-working things, credit and capital. I wish we could transfer the word *credit*, from the 'Change, to credit of another kind, to a high sense of honour, to national spirit, and immunity from insults; but of all those qualities that made us great, we are now divesting ourselves, as if they were *functi officio*, and their sole object was to procure us money. France may have ill-treated other powers under her protection; but she has shewn that she will not suffer another to abuse them. The dog, though beaten by his master, will fly forward in his defence; and we do know powers that, though crouching under France, will be bold and vigorous in her cause, that they will fight like Janissaries in the pay of their master. One of them, we are aware, has not waited for the wax to be cold upon the treaty, before it has evinced this temper and disposition. That power, which never spares an enemy, will make all powers to range upon its side. In the case of France, there is no instance of the contrary. Even in the evacuation of Alexandria, she acted upon that principle. I wish I could say the same for this country, with respect to the House of Orange. In our abandonment of that Prince, no provision has been made for the loss of his private property, or his Stadtholderian authority. It might have been expected, that some indemnification would have been secured for the sacrifice of his patrimony and power; but we have not only done nothing, but the manner in which he has been treated forms the

most ridiculous feature of the treaty. The very day we were stipulating a provision, on that very day, and in that very room, and at the very table at Amiens, did the French and Dutch Plenipotentiaries sign a defeazance. Our stipulations stated generally, that he was to have an indemnity, but the stipulation of the Dutch Minister Schimmelpennick states, that it shall not be in Holland, the only place in which it could be obtained.

So much for the good faith of France in the case of the Prince of Orange. See now the King of Sardinia. We could be under no fear of reviving treaties with him; his kingdom was gone, unless, indeed, we might fear to see him come like the man that drew Priam's curtains in the night. It seems as if all sense of national honour was lost; but, though the feeling may be lost to us, it is not so with the bystanders. These things are of consequence, and are founded in reason. I want to know what value France sets upon subjecting us to indignity? I want to know what she and other nations think of our submitting to it? The sentiments of Holland I do know, from a curious paper which she lately published. If these sacrifices were made by us from magnanimity, it would be another thing, but they are known to be made against our will. If I wanted a voucher for all this, I find one in a French paper received this day, and which, if translated, I should have read as part of my speech *.

* Mr. Windham's allusion was to the following article, which appeared on the 25th April, in the political department of a lite-

In it the writer talks of Malta as of a place that, by the terms of the treaty, must eventually belong to France, and reasons upon several other points in the same dis-

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rary and political miscellany, called the *Mercure de France*, published once every ten days, under the immediate patronage of the French Government.

TREATY OF AMIENS.

"France, reconciled with all other governments, will never be able to disarm the animosity of those men who are irritated by the spectacle of her greatness, and blinded by the splendour of her glory. When six months ago, they saw her, in fifteen days, conclude four treaties of peace, and restore tranquillity to sea and land; stunned by so much success, they attempted to contest the brilliant terms of the Peace with England. They opened up a most extensive range to the lovers of conjectures. They pretended that secret articles balanced the advantages of the public stipulations. Time has shown that there were no secret conditions.

"Resting on, I know not what, expressions of the English ministers in parliament, they contended that the merit of this Peace could not be decided by the Preliminaries; that we should wait for the Definitive Treaty, and then the superiority of Great Britain would be seen.

". . . . . The Definitive Treaty has at length been signed, and it is found to be more advantageous, more glorious to France, than the Preliminaries.

"At the time when this first convention appeared, it was criticised on different grounds. Men considered the benefit which England might derive from the cinnamon forests of Ceylon, and particularly from the superb port of Trincomalee, the true bulwark of India, commanding the Malabar and Coromandel, and all the archipelago of that ocean.

"It was calculated too, not what Trinidad was worth, but what it might be rendered by the skilful industry of the English, less interested, perhaps, about the produce of their own soil than

advantageous line for England. Now, the necessary information upon all these points is only to be had from papers, of which there are none upon the table.

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eager to monopolize all the commerce of the Oronoquo, and the countries adjacent. In addition to these estimates, so flattering for England, were adduced the riches she was to acquire in the Mysore, conquered during the war of the revolution; and people were inclined to believe that the English had carried to the utmost extent of their wishes, their naval and commercial greatness.

"With this situation of England was opposed that of France, aggrandised by Belgium, Savoy, Piedmont, and part of Germany; disposing without controul of Holland, Switzerland, and Italy; fortifying herself in the Mediterranean, by the acquisition of Porto Ferrajo — opening in the north a river famous for its ancient commerce, and a port destined, by its situation, to become the emporium of Europe; recovering Martinique, enriched by English capital; obtaining the Spanish part of St. Domingo; establishing herself in Louisiana, and regaining her settlements in India.

"Between these two pictures of two states which may cease to be enemies, but *never to be rivals*, it was not difficult to pronounce which of the two had gained most by the war. It was demonstrated that France had obtained an irresistible preponderance upon the continent; and that in suffering her maritime power to fall off, she had not lost the elements of it, which consist in her population and her territory.

"Such was the aspect of things which the Preliminaries offered; and as they have formed the basis of the Treaty of Amiens, it may be said that the latter was tried by anticipation. Let us now examine whether it does not secure some new advantages to France and her allies; whether it does not contain certain great features sufficient to render it remarkable in history.

"The French were justly alarmed at what was due to England for advances made for the maintenance of more than 20,000

Without such papers the real case cannot be known. We cannot know, without them, whether the cordial drop of peace, which we take into our stomachs, may

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prisoners. The 2d Article of the Treaty of Amiens diminishes the debt of France. It is agreed that, in the account of the respective advances, shall be stated not only the expences of all the prisoners of the two nations, but also those of the foreign troops which, before being taken prisoners, were in the pay and at the disposal of either of the contracting parties. Thus the expences laid out upon the 7,000 prisoners given back to Russia will be stated in deduction from that which France owes to England. The 7th Article secures to France in Guiana an aggrandisement which the 6th Article of the Preliminaries left at least doubtful, as it guaranteed to Portugal the integrity of her possessions.

"In the conditions relative to Malta, that important fortress, which the friends of England had so often assigned to her, every thing is favourable to France both in the provisional regulations and the definitive arrangements. *As long as the island is Neapolitan it will be French;* and to make it cease to be so will require the concurrence of all the great powers. If at one day the Maltese *Langue* should become dominant, the position, the wants, the temper, the nature of that Langue would bring it under the influence of the French Government.

"Such then are several positive conventions which render the Treaty preferable in point of advantage for France to the Preliminaries. But it is not what the Treaty expresses that is most advantageous: it is particularly what it *does not* express which ought to form the subject of joy to the French and their allies.

"In all former negociations England had insisted on the renewal of ancient treaties, ascending upwards as far as that of Westphalia. With a scrupulous attention did she always enumerate them, date by date, and also give them new force. Every body knows that almost all their treaties were onerous to the maritime powers of the continent, and that they even contained stipulations humiliating for the allies of France. There were

not be something of a deleterious quality that must destroy us. Let us then consider, while we have time, and at least examine the cup in which it has been

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coasts in which the Dutch were obliged, in sign of submission, to lower their flag to that of England *. This shameful homage had never been contested without producing a war. The reigns of Cromwell and Charles II. afford examples of this truth. This species of vassalage is abolished; and, what is more important to commerce, the abrogation of ancient treaties has removed the fatiguing inconveniences which they occasioned to France and her allies in their navigation, in the administration of their colonies, in their whole commercial system.

"If we were, then, to compare the advantages enjoyed by the English in their relations with the continental powers with the difficulties opposed to the latter by the famous Act of Navigation, we should not any longer be surprised at the same degradation into which their marine had fallen even before the war. We should be rather astonished that the English navy had not borne down every thing.

"The Treaty of Amiens removes all irregularity, all oppression, all restraint. The old law is destroyed; a new public law commences. The French and their allies have gained their naval independence: they will have the sense to make use of it; they will not fall into the snare of a new treaty of commerce; and they may one day have *their* act of navigation!

"It is this which distinguished the Treaty of Amiens from all the old transactions of the same kind. It is this that would render it so advantageous for France, even though it did not put the last seal to that increase of continental power which renders her so formidable, and which already obliges England to swell her expenditure by augmenting her militia.

* From Cape Finisterre as far as the coast of Norway, the Dutch were obliged to salute, by lowering their flag and their main-top-sail." — Treaty of London, Art. IV.

administered. I should wish, therefore, to fix to-morrow fortnight for the consideration of the subject, as not too distant for a business requiring so much previous information.

"There are likewise other features which characterise the Treaty of Amiens, and which will serve to signalise the present epoch. The new constitution of Malta, happy for France, as I have already remarked, is of itself a political phenomenon, which doubtless would excite much astonishment, if the faculty of astonishment were not in some sort worn out. It is an alliance of aristocracy and democracy, of ancient opinions and of new ideas, of chivalry and philosophy. It is a coalition of two political systems, which had kindled the most cruel war, just as in the Treaty of Westphalia, we see an accommodation between two religions which had been the provocation or the pretext for long and fatal dissensions. If some years ago there had been a state whose chivalrous spirit could have been supposed capable of excluding all access to the revolutionary principle, Malta would, beyond all doubt, have been pitched upon as that state: and yet it is at Malta, that the revolutionary spirit establishes itself after it is weakened every where else! . . . To add to the whimsical air of these combinations, England has contributed, as well as France, to maintain it there. It appears certain at least, that having received from the inhabitants of Malta several plans of a republic, the English have given effect to the propositions of these islanders in the Treaty of Amiens. Thus democratic principles have found protection from the power that went to war to oppose them!

"But the organization of this new republic and its future figure cannot have any considerable interest, except for France and England. There is in the Treaty a single line respecting the States of Barbary, which produces a more extensive, a more general interest for all Europe. It intimates the design of putting an end to the system of hostilities which subsists between civilized

I move, therefore, "That the House shall take into consideration the Definitive Treaty of Peace concluded between His Majesty, the French and Batavian Republics, and the King of Spain, on the 18th instant."

Mr. William Elliot seconded the motion. The Chancellor of the Exchequer (Mr. Addington) wishing that a full discussion should take place, and being desirous that the minds of the public should not be kept in suspence, proposed that, instead of the 18th, the 11th of May should be inserted in the motion. Mr. Pitt spoke in favour of the earlier day, and the Amendment was carried without a division.

May 13, 1802.

MR. WINDHAM rose and spoke nearly as follows:

SIR,

UPON a subject which has already received a good deal of discussion in several important points of detail, I hope I shall not be under the necessity of troubling

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governments and those governments of Africa which the supineness of the former could alone have raised to the rank of powers. Religion formerly endeavoured to repair in this respect the negligence of policy. At length policy cultivates the duty of protection. Its happy intentions are not perhaps very easily realized, but they cannot fall into oblivion. The signal is given. It adds to the importance of the Treaty of Amiens. It honours the negociators whose work that Treaty is, and the government whose confidence they have justified."

the house with any argument of great length. If, however, I am relieved from such necessity, I owe it to that mode of proceeding to which some have objected as irregular. The best proof of the propriety of the conduct of those who brought various points of the Definitive Treaty separately before the house, will be the manner of our now coming to the general examination. Who can deny that every man who has attended those discussions must find himself better prepared, better informed, more competent to form a fair and accurate judgment on the whole subject by the separate explanations, and the additional lights which have been derived from the preliminary debates? By having investigated the points in detail we are qualified to pronounce a decision on the whole case. Much ground has been cleared, many questions have been answered, many difficulties have been elucidated, which must otherwise have perplexed the consideration of a subject, in itself so full of matter, and so little susceptible of being reduced into a short compass. Assisted by those previous inquiries, we are enabled the better to shape the argument to such parts of so complicated a subject as are the most deserving of consideration.

I therefore proceed to take a view of the leading points of the Definitive Treaty. The order is indifferent, and I begin with Malta. After the discussions that we have already had regarding the situation in which our interests in that island are left by the Treaty, it is unnecessary to enlarge upon the advantages which the French have gained by the stipulation of neutra-

lity. It is clear that, including the force of their allies, Spain and Holland, they may have eighteen ships of the line in its neutral port, while we have no more than six. But these points of detail are of inferior importance. The whole disposition of the island of Malta renders the stipulation of neutrality fictitious. The garrison must in fact be French. It is in vain to talk of the mummery that there shall not be this *Langue* or the other *Langue*. The whole is French. If any man denies this to be the case, I shall be very happy to see his opinions and his reasons recorded, that they may be compared with the future result. So far from having restored the order of Malta, we have by the arrangements of this Treaty made war upon it in the very spirit of French principles. This little order, which contained in itself the great characteristics and distinctive qualities of that which the French revolution served to destroy, we have now concurred to overthrow. The little phial which contained the essence of the old principles, ministers have diluted, and not even with common water, but with water from the puddle. In this degradation, how can its ancient spirit be kept up? Nay, it is already understood, that the German Knights refuse to serve in a body so degraded and fallen off from its original and peculiar character. Who does not see that Neapolitan soldiers can never form any security for the independence of the island? The thing is ridiculous. The argument may be put into the shape of a syllogism. If France controuls, Naples puts in the garrison, and the garrison holds the island of Malta; what is the conclusion? In

truth the state of Malta is a virtual and total surrender, with a ridicule in the manner infinitely disgraceful to the reputation of our national counsels. Far better would it have been to have made an absolute cession of it, and thus have acquired a claim to compensation and equivalent, than to have formed a vain and futile pretence to establish its neutrality and independence. At present our footing and interest in the Mediterranean, which used to be reckoned of so much importance, are utterly abandoned. In this and in various other points there is a marked variation between the Preliminaries and the Definitive Treaty, to the disadvantage of this country.

The Cape of Good Hope is given up in full sovereignty to the Dutch; so that the latter may, whenever they please, surrender it to the French. The question of its being made a free port is left entirely at the option of France; and in such an alternative we can only expect that it will be made a free port, if that mode of keeping it were to be less favourable to England than any other. But it is said, that the Cape is but a tavern. Be it so. Is not a tavern in the middle of so long a voyage a very important accommodation? Nay, without it how can troops be sent out for the protection of your eastern empire? Without the refreshment of that tavern troops must be sent to India in such a state as to endanger their health, and to land them probably unfit for service for six weeks, perhaps too on an emergency when their immediate services would be required. The only other place of stopping is at the Brazils, and how can we calculate that in time of

war we should continue that facility? Our Indian empire then being our sheet anchor, every thing accessary to its preservation and defence is of the utmost importance. While we lose any advantages from the Cape, see what France gains! what she gains likewise by the restitution of Cochin to the Dutch, and the additional means of annoying our possessions which her coalition with the Dutch must afford.

With respect to the boundaries of French and Portuguese Guiana, it appears to me, that even with the benefit of all the previous consideration, this subject, which could not before have been understood at all, is now very imperfectly understood. Ministers seem to have been puzzled with the Catapanatuba, the Arawari, &c. The Arawari is at last agreed to be the limit; but in fact there is little difference between the Treaty of Madrid and that of Badajos as to the boundary. The object of the French is gained by the latter as well as the former. They obtained the complete command of the navigation of the river of Amazons. But why, instead of describing the boundary in the Preliminary Articles, was it not expressly said it should be the Arawari? That the boundary of the Arawari still leaves the Portuguese settlements exposed to the designs of France, is what I contend. It is a point, indeed, which is to be ascertained by maps; and on their authority I rest the assertion, that the Portuguese have not acquired that security which it was their object to procure.

When I look also at the cession of Louisiana to France, a point acquiesced in by the Definitive Treaty,

it is of a magnitude that I am at a loss to describe in adequate terms. Taking the indefinite extent of Guiana, and the cession of Louisiana, we may be said to give away a fourth part of the globe. We have given the command of the two greatest rivers in the world — the Mississippi in the north of America, and the river of Amazons in the south. Rivers are the vital parts of countries: we may be said, therefore, without hyperbole, to have given away a brace of continents. — Never was there such a lavish, prodigal, thoughtless spirit of cession! Ministers have really scattered *pearls* like *barley-corns;* and I am amazed to see with what coldness and indifference the country has viewed transactions of such importance, by which so many of the most valuable interests have been lavished upon their rivals, and in which so many stipulations pregnant with danger and pain to themselves are contained.

In addition to their consideration with regard to foreign objects, the whole continent of Europe is abandoned to France. I should think, indeed, that instead of our being called upon to allow the danger of such a state of things, those who have acquiesced in so monstrous an innovation, are bound to show that it is consistent with the public safety. While they are letting in tides which are spreading so furiously in every direction, it is their business to shew us what they will not inundate, what they will spare. We follow this torrent, threatening our rights, in many different tracts. We see it endangering us at Honduras, we see it menacing to shake and unsettle in India the dearest

part of our foreign empire. But this matter will require more particular discussion, and I am glad that it has already been the subject of debate. That the Definitive Treaty has not settled our rights in such a manner as to preclude all doubts, I perceive from the fact admitted last night by my Right Honourable Friend (Mr. Dundas), a person fully conversant in the affairs of India, that in the first instance he was alarmed lest, by the non-renewal of Treaties, particularly the Convention of 1787, some danger to our Indian dominions might arise. That any uncertainty was ever felt by him, is at least a proof of the fact that uncertainty may exist. We contended, that by the abrogation of the Convention of 1787, founded upon and referring to the Treaties of 1783 and 1763, something was taken away, which had formerly quieted the claims of France, and secured the rights of this country. But it was said, that it was better to get rid both of the disease and of the remedy; and, doubtless, it is possible that a constitution may be improved by such an operation. This argument was at least to the point, whether it was conclusive or not. With regard to the arguments to prove the clearness of our Indian rights, they seemed rather less to the point. We were told in lofty and magnificent phrases of the justice of our cause. But who had said that our cause was not good, that our rights were not clear? We have to contend with an adversary who may not choose to appeal to the House of Commons. The argument was all thrown away, for it was *coram non judice.* — The question is, what will the enemy say, and how

should you have acted to meet his objections? If disputes were to be settled by a man and his own attorney, the business of Westminster Hall would be not a little diminished; but unfortunately, when the matter is very amicably settled, the adversary comes and drags the suitor into court. So, to discuss the justice of the cause here, where nobody disputes it, seems to be a waste of very excellent argument. The Honourable Gentleman, like Ajax, rushes tremendous forth, felling down us poor cattle, instead of reserving his might for the foes who may resist him. We all know, that previous not only to the Convention of 1787, but to 1783, claims respecting Indian trade and territory had been set up by the French. What reason have we to think that the present Government of France will drop any pretensions hostile to this country which former Governments had advanced? In 1783, as well as I am afraid will appear to have been the case in 1802, points were left unsettled, and new explanations became necessary. The Convention of 1787 was more favourable to us, because concluded in a moment when England could negotiate with greater effect, and it gave us the most satisfactory security. The French abandoned the means of enforcing any claims of a kind that could have proved injurious to us. But why were not means taken to prevent the possibility of claims by which our empire in the east may be disturbed? What has been doing for the last seven months? Our rights, whether of conquest or treaty, (as so ably distinguished and demonstrated last night,) are unquestionable; but is there not reason to appre-

hend a renewal of former cavils? From some parts of the speech of my Right Honourable Friend (Mr. Dundas), I should have been led to think that he had been napping, and on his awaking had imagined that we were still at open war. He talked of drawing the sword against any power that should dispute our rights, and exultingly dwelt upon our strength in India. It is very true that our strength in India may defy all attack; but does he not know that, though the dispute is in India, the battle may be fought in Europe? Like an action at law, the right may lie in Cumberland, and the issue be tried in Westminster Hall. The French may think us strong in India, and weak in Europe. We have seen already how, by a close squeeze in Europe, they have made us vomit up what we had gorged elsewhere.

With regard to the sincerity and faith of France, let us only look to other countries. The Archduke was driven out of Tuscany; but Austria and the neighbouring powers thought that at least the territory was to remain as before. It was, however, disposed of in compliment to Spain, and the Prince of Parma placed upon a new-raised throne. France, at the same time, had its eyes on the Isle of Elba, but was not so uncourteous as at once peremptorily to demand this garnish of the King of Etruria on his entering into the new spunging-house. It took away Piombino from the King of Naples, and generously gave it to the Etrurian Prince, in exchange for the important fortress of Porto Ferrajo. These are some of the materials from which we are to arrange our proceedings. When

we cast our eyes upon the map of Europe, and survey the growth of France, the prospect is so immense, as not to admit of a summary. The subject requires that we should look into the history of the revolution and of the war, and consider what France has done, what she can do, and what no doubt she will do, compared with what Great Britain also can and will effect. As an instance of what France can do, now that it is distinctly a body of new Romans meditating the conquest of the world, let us recollect that France has effected in ten years, what Polybius, the historian, boasted Rome had accomplished in fifty-three years, or about half a century. Their achievements resembled what was related in the popular ballad of Admiral Hosier's Ghost, when it says to Admiral Vernon—

> "I with twenty ships had done,
> "What thou brave and happy Vernon,
> "Hast atchiev'd with six alone."

The French have taken the Romans for their model, and affect to imitate them in every thing. Independent of their territories, the map of Europe is but small, and only two great powers are left standing. Russia is powerful, but at a great distance from them; Austria alone remains strong, and perhaps not impaired, in territories; but the loss of all those strong holds and fortresses, in the late war, which constituted her stays, has made her such a wreck, that, in the next storm, the mast of that vessel must inevitably go by the board. In fact, there is no single continental power which can again dare to face France, without being instantly crushed by that enormous mace with

which she is now armed. The French avow that they act upon the Roman model; they fairly acknowledge what they mean to be, and frankly tell us also what they mean us to be.

Some indeed admit that Europe is gone, and they say, peace be with it! they think that, come what will, we may take to our boat and escape. That might have been said formerly; but the spectre of French power now pursues us in every direction. In Europe, in Asia, in America, it follows, continually scaring us with its threatening aspect. Look at the West Indies, and see France in possession by cession of Martinique, Guadaloupe, and St. Domingo, since the Preliminaries, by the permission of ministers. It is pretended, indeed, that the recovery of the latter island from the Blacks was necessary to the security of our own colonies; such is the opinion of those who are interested in the West India islands; but is that authority conclusive? Allowing the fidelity and patriotism of these men to be unimpeached (as they certainly are), is it not possible that regard for their property may induce them to form an opinion of the policy of our facilitating the recovery of St. Domingo, that may be inconsistent with the interest of the nation? For my part, I conceive that the power of the Blacks, confined to St. Domingo, and without the means of extending beyond it, was much less formidable to this country than the establishment of the power of France. Even though the emissaries or the example of the Blacks might have reached the other islands, still, though private property might have been endan-

gered, the political interest of the state was less endangered. The West India proprietors might think that, if the negroes obtained the ascendancy, their property would be ruined, while, if the islands fell under the power of France, though the value of their property might fall, it would not be entirely destroyed. This was a view of the case, which, however, politically speaking, would not lessen the injury to England. Indeed, with the possession of St. Domingo, with a port which almost commands our communications with our most important islands, it would become a most formidable neighbourhood to our colonial power, and in time of war would become a military station, from which we should be attacked, and a point which would give the enemy an opportunity to harass our trade. In fact, we have given up two continents to France. We have allowed her to be placed in a situation in which she will acquire such an influence over the American States, as at a future period may enable her to employ them with advantage against our most important interests.

Such being the means of France, what is her will? Those who expected that the peace would disarm France of her hostility, who thought that she would be contented to cultivate the advantages of commerce and manufactures without animosity towards England, must now see that she pursues more than ever the grand object of universal empire. At every period before the Preliminaries, and since, she has expressed, without disguise, the spirit by which she is animated; she proceeds like a general, changing his guards,

sending out his parties, marking out his ground, and arranging his plan of operations. Every thing is conceived and conducted in the spirit of hostility; and after having succeeded in the war of swords, now terminated, she enters with the same disposition and with the same hopes upon the war of the Custom House.

What then are the means which Britain possesses, and how ought she to call them forth to ward off the dangers that assail us? In considering this, we must inquire what are moral resources, taking that word a good deal in the French sense. What is the mind to call forth, and how employ the physical means? In all animal life, (and States may be considered as living bodies subject to the general laws of animated nature,) it is observed, that the foresight of danger is generally in proportion to the force and means which are enjoyed to escape from that danger. It appears to me that this nation has been more defective in the foresight of danger than in the means of repelling it. From this defect a great part of the calamities of the country at this crisis have arisen; the nation has too much undervalued its danger, and its exertions have fallen short both of its means and of the occasion. At first, when the principles of the French revolution were at work, when other nations were actually in conflict with it, when the havock that it produced was seen in the example of others, it was said that all this would never reach us, that the *menstruum* might dissolve the base metals with which it came in contact, but would pass harmless over the pure gold of the British constitution. Men were not aware, that the

character of the revolutionary principle was, to prey both on good and bad, nay, on the former in preference. In the year 1792 it was found that the pure gold of the British constitution was as susceptible of the rage of Jacobinism, as copper of the corrosion of Aqua-fortis. But nevertheless there seemed to be a strange and extraordinary indifference to the state of Europe and to the progress of the hostile principle. *Snug* was the word. People were for leaving other nations to shift for themselves; the high spirit and the politic maxims of our ancestors were forgotten. Even when other nations stood forward in the common cause of nations, in our defence as well as their own, their was no alacrity to participate in their exertions. The nation seemed not only to have no disposition to engage in the war, but to display a new and singular anxiety to avoid it. From this view of the state of Europe, from this estimate of the nature of the danger, arose the conduct of the war after it had become inevitable. Differences of opinion existed as to the mode of carrying it on. There were persons of great abilities and high situations with whom I had the misfortune to differ on these views of things. Agreeing in many points with them, co-operating with them in a public capacity in leading objects, and respecting their talents and their motives, I was obliged to differ from them on the grounds at which I have hinted. The war was to be viewed either as an ordinary contest between two nations, and carried on upon the usual principles of annoying and weakening your antagonist till he was brought to equitable sentiments;

or we were to consider it as a new and extraordinary war, which could be carried on with a system suited to its portentous nature. Hence, therefore, it was to be carried on by attacking enemies' colonies, capturing their ships, &c. or it was to be carried on by aiming decisive blows at the seat or centre of the system from which the true principles of the war and danger proceeded. I do not mean to say that these different plans were exclusive. I only mean that the one more peculiarly arose out of the one view of the case, the other out of the other. Those who preferred attacking the centre of the evil did not think it wrong to aim at the advantages of the other, if the first failed; while those who directed their efforts to the colonies and marine of the enemy were equally agreed that the restoration of monarchy was a desirable object. In none, however, as I have said, was the system exclusive.

I shall not inquire which of these was the best. The one was tried, the other not; and whether that which was not tried would have succeeded, must remain a matter of judgment. I may add, however, that the plan which was not pursued was that most conformable to my own opinions. Except early in the war at Toulon, and afterwards in the melancholy affair of Quiberon, there was little or nothing attempted upon what I thought the peculiar principle of the war, and upon that plan of conduct appropriate to it. As to the Quiberon Expedition, at a time when the clamour was loudest against it, a Right Honourable Friend of mine (Mr. Pitt), with great manliness and liberality,

said in this house, that he took his full share of the responsibility. Yet, fully acknowledging the generosity of that conduct, I am ready to avow——

MR. PITT (*to order*). I submit to the house, whether it be consistent with order for my Right Honourable Friend to go into an historical account of opinions respecting the conduct of the war, particularly as that inquiry is not connected with any subject immediately under the consideration of the house. I beg leave also to submit to my Right Honourable Friend, whether he can consider the obligations which were in force when he and others were His Majesty's confidential servants, as now dispensed with.

MR. WINDHAM. I do not think that the obligations to which my Right Honourable Friend alludes can be understood as preventing me from giving that sort of explanation on which I was proceeding. I was going on to say, that I considered the expedition to Quiberon as a measure in which my Right Honourable Friend, and the majority of the cabinet, must necessarily have concurred, rather as a measure of my own, pressed by importunity ——

MR. PITT (*to order*). I cannot admit that my Right Honourable Friend, though he generously offers to undertake the whole responsibility of the Quiberon expedition, has, according to my recollection, stated correctly the extent of the share which I had in that measure. I cannot think it consistent with the duty imposed upon the station which my Right Honourable Friend filled, to divulge any consultations or opinions (supposing his

statement correct) which must have been expressed in official confidence.

MR. WINDHAM. I conceive that I was merely stating a circumstance personal to myself; and my Right Honourable Friend would have seen by the application, that my explanation could not have been considered as any disclosure of state-secrets. I was going to shew, that, the country having misjudged the war, the conduct of it naturally partook of what I conceive to have been error. What I say of the system of war as in my judgment best suited to the circumstances of the late contest, is not an arraignment of my Right Honourable Friend, to whose department its conduct particularly belonged (Mr. Dundas). I can bear testimony to the diligence, the zeal, the activity, the ardour, and all the other great qualities which my Right Honourable Friend displayed throughout the contest. I do not arraign the plan of my Right Honourable Friend, neither do I divulge state secrets. I state what was no secret—that previous to the time when I came into public station, my Right Honourable Friend had marked opinions on the subject of the war, and that we did differ in our views on that subject. When I was interrupted, I was labouring to show that the country had not rightly judged its situation, and that the mode of war pursued contributed to confirm their error. The country never knew sufficiently why it was at war. It has been said with great force and eloquence by my Right Honourable Friend (Mr. Pitt), on different occasions, that we were at war for security; we were indeed at

war, because we could not be at peace; we were at sea, because we could not be on shore; yet, though reminded of this, the character of the war itself, the grand monitor, was wanting. The manner in which it was carried on did not sufficiently mark its nature. The force was centrifugal. It never converged enough towards the focus from which the danger proceeded. The question, why we were at war, perpetually recurred; and people were not enough taught to see that we were at war, because the French Government was such as to leave us no peace, and was necessarily in perpetual hostility with every thing which, as individuals and as a nation, it was our interest to defend.

This error has pursued us into peace. No person who looked at the causes of war, could have looked at the terms of peace without alarm. The country, however, is not sufficiently impressed with the dangers of peace, because it was never perfectly alive to the character of the war. — But to return to the conduct of the war: although it has been unsuccessful in securing those objects which I thought peculiarly at stake, I do not say that it was wrong; I do not say that the course which I more approved would have been more fortunate. If I think it would, it is, as it were, reasoning from symptoms after death, that another method might have succeeded. It is, however, a matter of judgment. Entertaining this opinion still, I conceive it to be the duty of every man to correct the public error. It is better to think that the country had not seen its situation in a proper light, than that,

aware of its real danger, we had failed in the means of repelling it. Great as the exertions of the nation have been, they have not been so great as they ought to have been, compared either with the objects at stake, or the means we possessed. It is consolatory to think that the nation, not having seen the danger, will, seeing it, take the steps necessary to maintain its character and to ensure its safety. It is true, indeed, that there were those who perpetually urged the French cause, and by every act endeavoured to counteract those feelings of honour, magnanimity, and independence, by which nations can alone become great. If, however, the people of this country have utterly abandoned those feelings which every great nation should cultivate, and that policy without which no nation can flourish, we must have insensibly degenerated from the principles of our ancestors; and it will confirm the remark of the writer, who says, that sometimes a silent revolution takes place in the character of nations, as decisive as could be produced by the most violent convulsions. Never was there a war carried on with such an incessant cry for peace from the very beginning of it. How, in any other war, would it have been tolerated that the justice of our cause should be incessantly arraigned, and that of the enemy defended, in newspapers and other publications; that every one who endeavoured to rouse the public spirit was vilified and abused? How could it have happened (if the people had been sufficiently impressed with the nature of the war), that it was doubtful whether the processions to St. Paul's to

celebrate three of the most splendid victories this nation had ever gained, would have been received with applause? How else could it have happened, that attempts should be made to depreciate one of our most brilliant naval victories, and to show that the advantage was on the side of the enemy? To prove these circumstances, I should be obliged to produce files of newspapers and pamphlets. Yet what do I infer? Why, that such writings never could have obtained circulation, had there not been an indecision in the public mind on the subject of the war.

It is with reluctance that I acknowledge this state of the public mind to have prevailed. It certainly was not sufficiently awakened to a full sense of the nature of the danger that existed, or the extent of the exertion required. I am afraid that I shall be obliged to speak in a style not more pleasing of the means and resources which we possessed. Perhaps we have been too much in the habit of flattering ourselves on this subject on the efforts that we have made. Certainly nothing is more agreeable than to "praise the *Athenians* among the *Athenians*;" but I rather consider it the duty of public men to speak wholesome truths. We must compare our exertions with the object. If the war was not originally just and necessary, every shilling spent was too much. If it was, as some have considered it, merely a war of experiment for a short time, to see what we could make of it, we have made too great sacrifices. If, however, it was a war for the very existence of the country, the exertions that we have made have been too little for the object, too little

even for our means. That our exertions, however, had not injured us, would appear by considering whether the country has pined or thriven, whether it has become fat or lean, by its efforts. Surely if, as some pretended, the country has been ruined by the war, it has not been thrown into a galloping consumption. I have, indeed, heard it argued, in the true spirit of Jacobinism, that, though individuals were rich, the country was poor; every distress incident to men and to the social state has been insidiously represented to be the offspring of war; as if the same distress did not exist in all wars, nay, in all times; as if it were not obvious that poverty must ever accompany great wealth; as if poverty were not a sort of secretion from the plethoric habit of wealth. Indeed it is easy to show how commercial wealth and poverty must be connected, because, in the fluctuations of trade and manufactures, numbers are occasionally deprived of their usual employment in one place, while the tide of prosperity rises higher in another. No less absurd is it to say, that the wealth with which the country abounds is in few hands, as if it were possible that a country could have much wealth while it was monopolized by a few. Unhappily, indeed, it seems to be thought by some, who acknowledge both the wealth and comfort which this country enjoys, that these blessings may be preserved without the aid of arms. The balance of power is treated as an idle chimera; and we are told, that from our insular situation we may look with indifference on the confusion and derangement of the continent. It is very well, indeed, to tell us to

preserve our own comforts; it reminds me of what a King of England said when he was told that his subjects were dying of famine; — "Why," observed he, "do they not eat bread and cheese?" They could not get bread and cheese to eat. So we are told to be satisfied with our own comforts and happiness, with our commerce, with our prosperity; doubtless, preserve them; but will the French allow us? Do we not see that France is acting upon a contest with us in peace, that she is lowering our dignity, plucking our honours? The notion that peace would hush up all our dangers had induced us to give up to Holland *the honour of the flag;* which, though perhaps of itself of no essential importance, kept up the pride and spirit of the service, and has been maintained by us for a century and a half. This it was also which induced us to submit to have the cockades taken out of our soldiers' hats in Portugal. We also allowed, under the same idea, our ambassador to remain at Paris, kicking his heels near the hall of audience, as a lacquey, while Buonaparté, instead of communicating with him, set off for Lyons, designedly, as it should seem, to furnish a precedent for similar insults on any future occasion. Such being the situation and the feelings of the country, the next consideration is, what we ought now to do. On the supposition that Great Britain is at present in a state of infinitely less security than it was on the night when this Treaty was signed, and comparing what it has given up with what remains to it, I have no hesitation in repeating my former assertion, that the fee-simple of the country was worth

more on the 30th of September last, than it has been since, or, perhaps ever will be again. We have now, however, signed and sealed the bond; and, as *Dogberry* says —

" I fear we shall never be our own men again."

Our duty should now be to correct those fatal dissentions which the Treaty of Peace may create. As to India, our rights are manifest, though we may depend on those same claims being renewed which were set up by France anterior to the Treaty of 1783. But while our right is liable to be called into dispute, we should keep in our hands better means of asserting it than we can have after the surrender of Malta, the Cape, and Cochin. The First Consul would not, during the negotiation, have gone to Lyons, if he did not mean to produce suspicion and uneasiness with respect to the peace. The ministers think that we have gone too far, and tried to remove the impediments to the renewal of claims, as if the blind and silly French want us to point out to them the nature of their claims! Have they not shewn, during the war, any designs upon India? Has not the capture of Seringapatam revealed any of their intrigues? What are we to surmise from their steadiness in insisting on the possession of Malta, the Cape of Good Hope, and Cochin? Was not the expedition to Egypt projected in the view of a triumphant march into Hindostan? And are we, like ostriches, to put our heads in a hole, and suppose ourselves perfectly safe from our pursuers, or act as persons in embarrassed circumstances, who are afraid

to look at the state of their own affairs? If France means not to pursue its claims, why not send to Paris for explanations to that effect, before we give up what she never has put into our hands? A similar explanation should be required respecting the Bay of Honduras, and many other points. Let us have a fair understanding as to the extent of our danger. I know that some may be disposed to calculate the life of a nation like that of an individual; and, regardless of posterity, say, — 'though our commerce may fail in the end, it cannot do so for a long series of years, and will, at least, last during our time.' — The nation which has not more foresight than that, must inevitably perish. Great stress has been laid on what is called the failure of the predictions respecting the result of the American war. These predictions, however, have been realized. Had we had America now to support us, we never could have consented to such a peace. America has been of great service to the enemy during the war; and the convoy which entered France at the time of Lord Howe's victory, was thought a sufficient compensation to that country for the destruction of its fleet. Let those who think this peace will furnish life and heat for their own ephemeral existence and that of the nation, take care that they do not deceive themselves. They may calculate ill who suppose the misfortune may not reach them. The fate of nations often comes quick upon them; in this manner is Spain, of late a rich and powerful nation, all on a sudden become one of those States which are now the

vassals of France. — Mr. Windham concluded with moving,

"That an humble Address be presented to His Majesty, to assure His Majesty that we have taken into our most serious consideration the Definitive Treaty of Peace which His Majesty has been graciously pleased to communicate to this house:

"That we acknowledge, with all humility and submission, His Majesty's undoubted prerogative of peace and war: and that we shall consider it to be our first duty, as far as may depend on us, to maintain inviolate the public faith, as it is pledged by this Treaty, and to assist His Majesty in performing, with uprightness and punctuality, the engagements into which His Majesty has been advised to enter:

"But that we cannot conceal the painful apprehensions with which we consider the result of those engagements; nor can we forbear to offer to His Majesty our humble and dutiful advice for the adoption of such measures as can alone, in our opinion, under the blessing of Providence, avert from us the dangers with which we are now surrounded:

"That it is impossible for us to have seen, without the utmost anxiety and alarm, all the unexampled circumstances which have attended the final conclusion of the present peace: the extensive and important sacrifices, which, without any corresponding concession, this Treaty has added to those already made on our part by the Preliminary Articles: the unlooked for and immense accessions of territory, influence, and power, which it has tacitly confirmed to France: the

numerous subjects of clashing interest and unavoidable dispute which it has left entirely unadjusted: and, above all, those continued and systematic projects of aggrandisement, of which, in the very moment of peace, we have seen unhappily such undeniable and convincing evidence:

"That, by relinquishing so many sources of prosperity in peace, and so many bulwarks of defence in war, and by renouncing at the same time the advantage and security always hitherto derived from the accustomed renewal of former Treaties, the British Government has imposed on itself a greater necessity than has ever before existed for measures of increased precaution, and for determinations of unshaken constancy:

"That we, therefore, rely on His Majesty's paternal wisdom for a watchful and unremitted attention to the situation and future conduct of the power with whom we have negotiated; and we think it necessary, more especially, to assure His Majesty of our ready and firm support in that determination which we trust His Majesty will henceforward steadily pursue, of resisting every fresh encroachment (of whatever nature) which shall be attempted on the maritime, commercial, or colonial rights and interests of the British empire.

"This our solemn declaration must, as we believe, materially conduce to prevent the necessity which it is calculated to meet; and we trust that His Majesty will also approve of our desire to support it by a scale of naval and military defence, adequate to the extent of our danger, and to the importance of the interests which we have to maintain.

"The anxiety which we feel in this respect, is the necessary consequence of our sincere wish for the permanence of the public tranquillity which His Majesty has now re-established: and it is for the same important purpose that we also most earnestly recommend to His Majesty's wisdom the pressing necessity of arranging, by immediate and amicable discussion, those points of essential interest which had been adjusted by former Treaties, but for which no provision has been made in this negotiation:

"These counsels we submit to His Majesty with confidence, in the present awful crisis of public affairs, prepared to meet with firmness all the difficulties and dangers of our present situation, but desirous above all things to promote the stability and security of real peace; the object which it has been His Majesty's benevolent desire, by such extensive sacrifices, to ensure to his loyal and affectionate people."

Lord Folkstone seconded the motion. Lord Hawkesbury defended the Treaty, and moved, by way of Amendment,

"That an humble Address be presented to His Majesty, to return His Majesty the thanks of the house for having been graciously pleased to communicate to them the Definitive Treaty of Peace; to represent to His Majesty, that we have already declared our full approbation of the Preliminary Articles of Peace, which, by His Majesty's command, were laid before this house; and we are satisfied that His Majesty has, on the whole, wisely consulted the interests of his people in having concluded a Definitive Treaty, founded on the basis of these Preliminaries: — That

minority which voted on the above question, as well as on similar motion which was made in the House of Lords on the same day by Lord Grenville.

MINORITY IN THE COMMONS:

Mr. Windham (mover)	Mr. W. Elliot
Lord Folkstone (seconder)	Gen. Lennox
Lord Morpeth	Dr. Laurence
Lord Bruce	Mr. C. Ellis
Lord Kensington	Mr. G. Ellis
Sir W. W. Wynne	Mr. F. F. Foljambe
Sir W. Young	Mr. B. Cooke
Mr. T. Grenville	Mr. Poyntz
Mr. C. W. Wynne	Mr. W. Baker
Mr. C. Dundas	Mr. W. Chamberlayne.

TELLERS:

Earl Temple — Gen. Gascoyne.

MINORITY IN THE LORDS:

Lord Grenville (mover)	Earl Fortescue
Duke of Richmond	Earl of Mansfield
Marquis of Buckingham	Earl of Warwick
Earl Spencer	Earl of Carnarvon
Earl Fitzwilliam	Lord Minto
Earl of Carlisle	Lord Darlington
Earl of Carysfort	Lord Cawdor
Earl of Radnor	Lord Kenyon.

THE END.

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